



With the financial support from the Prevention of and Fight  
against Crime Programme of the European Union  
European Commission - Directorate-General Home Affairs



# GATE

GUARDIANS  
AGAINST CHILD TRAFFICKING  
AND EXPLOITATION

---

# EUROPEAN REPORT





With the financial support from the Prevention of and Fight  
against Crime Programme of the European Union  
European Commission - Directorate-General Home Affairs

# GATE

## EUROPEAN REPORT

MARCH 2013



GATE: Guardians against Child Trafficking and Exploitation - European Report

Printed in March 2013

© 2013 KMOP and Defence for Children International - Italy

© 2012 Illustration by Max Frezzato and Eleonora Trinca

All rights reserved. Any reproduction or presentation of this publication can only take place if the relevant copyrights are respected.

Grafic Design: Yoge, design sensibile - Genova, Italy

Printed: Offset Dervi A.E.B.E. - Athens, Greece

# WELCOME...



*The images of the publication have been developed and donated by the artists Max Frezzato and Eleonora Trinca.*

*The various illustrations represent some of the basic needs and rights of children. They have been used to develop the GATE GAME, a deck of cards adopted as a tool to facilitate children's narrations and our exchange with them.*

*Thanks again to Max and Eleonora for their beautiful and "practical" work of art!*



*With the financial support from the Prevention of and Fight against Crime Programme of the European Union European Commission - Directorate-General Home Affairs. This publication reflects the views only of the author, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.*

The Project Guardians Against Trafficking and Exploitation - GATE is carried out in four European countries, Greece, Italy, the Netherlands and Cyprus.

The partners of the project are:

- KMOP - Greece (lead partner)
- Defence for Children International - Italy (partner)
- Defence for Children International/ECPAT - the Netherlands (partner)
- Cardet - Cyprus (partner)

The team of KMOP is composed of:

- Antonia Torrens – Project Manager
- Maria Efthimiou – National Coordinator
- Pyrros Papadimitriou – National Researcher
- Maria Markaki – Supervisor and Editor of the National Report
- Petsios Giorgios – Financial Manager

The team of Defence for Children International Italy is composed of:

- Pippo Costella - Senior Researcher
- Annalisa Furia - National Researcher
- Mariapaola Lanti - Data and statistics consultant
- Gabriella Gallizia - Webmaster
- Patrizia Testaì - Editorial advisor

The Research Coordination Unit of the initiative is formed by Pippo Costella, Annalisa Furia and Mariapaola Lanti (Defence for Children International Italy) who are responsible for the overall scientific coordination of the project.

*(\*) The GATE – European Report was written by KMOP and Defence for Children International – Italy based on the main results of the research carried out in the four countries and on the related National Reports that are available and downloadable at the GATE project website (<http://www.gate-eu.org/>).*

*→ The Introduction and Part 3 were written by Pippo Costella.*

*→ The Introduction and the paragraphs A, B1-B5 of Part 1 were written by Maria Markaki.*

*→ The paragraph B.6 of Part 1 was written by Annalisa Furia and Mariapaola Lanti*

*→ The introductory paragraph to Part 2, was written by Annalisa Furia, who along with Pippo Costella and Mariapaola Lanti elaborated the Practical Orientations for Guardians.*

*The final editing of the report was conducted by Maria Markaki.*

---

# TABLE OF CONTENT

<i>Acknowledgements</i> .....	7
<b>INTRODUCTION</b> .....	9
<b>I. Research aims and Background</b> .....	10
<b>II. Approach and methodology</b> .....	13
<b>PART 1 - SUMMARY AND COMPARISON OF THE NATIONAL REPORTS</b> .....	21
<b>A Country specificities</b> .....	23
<b>B. Overview of the legal framework and field analysis in Greece, Italy, The Netherlands and Cyprus</b> .....	25
<b>B.1 Greece</b> .....	25
B.1.1 Legal Framework and main gaps of the national protection system	
B.1.2 Results of field research with professionals	
B.1.3 Results of narrative sessions with children	
<b>B.2 Italy</b> .....	33
B.2.1 Legal Framework and main gaps of the national protection system	
B.2.2 Results of field research with professionals	
B.2.3 Results of narrative sessions with children	
<b>B.3 The Netherlands</b> .....	41
B.3.1 Legal Framework and main gaps of the national protection system	
B.3.2 Results of field research with professionals	
B.3.3 Results of narrative sessions with children	
<b>B.4 Cyprus</b> .....	48
B.4.1 Legal Framework and main gaps of the national protection system	
B.4.2 Results of field research with professionals	
B.4.3 Results of narrative sessions with children	
<b>B.5 Comparative study</b> .....	55
B.5.1 Legal Framework and main gaps of the 4 national protection systems	
B.5.2 Results of field research with professionals	
B.5.3 Results of narrative sessions with children	
<b>B.6 The key risk/protection factors identified in the four countries</b> .....	66
<b>PART 2 - PRACTICAL ORIENTATIONS FOR GUARDIANS</b> .....	71
<b>A. Rationale and definition</b> .....	72
<b>B. Practical Orientations</b> .....	77
Survival .....	77
Development.....	80
Protection .....	87
Participation.....	90

---

<b>PART 3 - GATE AND EU STRATEGIES, SOME REFLECTIONS AND SUGGESTIONS</b> .....	93
A Contexts, responsibilities and conditions that generate vulnerabilities of children to trafficking and exploitation .....	95
B Victims or persons first? .....	95
C Child or migrant? .....	96
D The conditions for integrated and multidisciplinary responses .....	97
E Welfare is protection.....	98
F Guardians and guardianship to develop child focussed policies.....	99
G Intentions and perspectives.....	100
<b>PART 4 - BIBLIOGRAPHY</b> .....	101
A Greece .....	102
B Italy .....	104
C The Netherlands .....	106
D Cyprus.....	107

---

## ACKNOWLEDGEMENTS

KMOP and Defence for Children Italy would like to thank the children, guardians, social workers, professionals of organizations and representatives of national, regional and local institutions who accepted to contribute to the GATE field research in the four countries by sharing with the national researchers their time, competences, personal experiences and feelings. We owe a great debt of gratitude to all of them and we tried our best to carefully reflect the richness and preciousness of their thinking, dedication and experience. We would like to thank Max Frezzato and Eleonora Trinca for the original and imaginative design of the Pinocchio cards which were used during the narrative sessions carried out with children, as well as Yoge design professionals for the elaboration of the layout of this report and for their availability and continuous support.

Special thanks go to the other partners of the GATE project, Defence for Children / ECPAT the Netherlands (NL) and CARDET (CY), for their collaboration and openness to dialogue and exchange, and to the Prevention of and Fight Against Crime Programme of the European Commission for its financial support.

In addition, we would like to thank all the people that supported different aspects of this project out of clear interest and on a voluntarily basis. Their support has been much appreciated.

In this project, our intention was to place children at the centre of attention. It is not up to us to say if we managed to do so, but we can definitely affirm that we will continue to work towards this direction.



# INTRODUCTION



---

# INTRODUCTION

## I. RESEARCH AIMS AND BACKGROUND

*The gate is closed, the gate is open...*

A “gate” is something that draws a barrier and can have different and sometimes opposite meanings and purposes. It can be an element that protects an individual from the outside world; but it can also be something that leads to enclosure, preventing an individual from feeling safe. It can constrain someone in one place or hinder access to another, allowing it to be perceived as a mean of defence, as a threat, an opportunity or a mean of exclusion.

This brief digression around what the nature of a gate may be, can facilitate the introduction of the scope of this project, supported by the European Commission, and the process through which it was developed.

In the past years there has been a constantly increasing attention around the phenomena related to trafficking in human beings, especially when children are being involved. The international definition of human trafficking, as described and used since the signing of the Palermo Protocol in 2000, has stimulated a series of activities in the field of law-making and criminal justice as well as of recovery actions addressed to victims.

In many cases the overall approach to trafficking tends to focus more on prosecution and related criminal aspects of the problem, and less on the structural conditions that allow these crimes to take place. Far from denying the importance of repressive activities around trafficking, the present initiative attempted to adopt a wider perspective by including other determining interrelated factors within the research analysis and system of actions concerning trafficking.

In this wider perspective, the GATE initiative has attempted to overcome the predominant model which has been developed in the last years, with its narrative centered around the stereotypical triad victim-aggressor-saviour. This rigid model has failed to consider the complexity of the phenomena involved and has diverted attention from the various contextual elements that determine the levels of vulnerability and risk to which specific migrant groups are exposed.

In particular it can be observed that a high level of risk and exposure to trafficking is usually connected to groups who, for different reasons, are excluded from the protection and welfare systems afforded to other citizens.

To go back to the initial digression, these are the people who are left outside the gate. In the present situation the “gate” is represented by the policies of exclusion which are being carried out against those individuals who reach Europe from different countries around the world.

The present project is concerned with separated children as one among other groups, of excluded people. Guardianship and protection systems at European level, but also in the national contexts observed, show a high degree of diversity in terms of definitions provided for certain concepts and groups of people, legislation and practices. At the same time, in many instances, significant incoherence, while sometimes a real conflict, emerges between the dimension of welfare and protection policies addressed to separated children, and the dimension of migration as well as border policies and strategies. This heterogeneous situation is often coupled with a critical lack of competences and capacities of those who are deemed to decide who must get in and out of the gate, and by objective difficulties in integrating efforts and mandates in a context of an allegedly permanent state of “emergency”. The latter though, seems dictated not so much by the gravity of the crimes involved but more than often by the tensions inherent in both the political and rhetoric underpinning migration control strategies.

Without getting into the details of contemporary migration policies in Europe, we can begin our analysis by taking as a starting point the Convention on the Rights of the Child, ratified by all European Member States, and its assumption that the best interest of children should be considered as a paramount dimension, preceding any other logic or interest. The consequence of assuming this as the starting point is that every child, regardless of his/her nationality, should be fully included in the welfare and protection system of any European Member State. Since this inclusion represents the essential condition for any protection strategy or policy, the real problem, beyond and before a specific attention on the dynamics of trafficking, will be then to understand when and how the systems are sufficiently inclusive and flexible in order to determine a coherent level of safeguard and protection.

From this perspective, the GATE initiative considers the life and migratory experience of children, including its positive aspects, as a crucial dimension to orient responses and practices. By assuming this angle, the central role of the child, as a primary actor and informant in shaping strategies and determining a higher level of correspondence between needs and responses, is considered of primary importance to re-address practices and strengthen their protective functions. This logic seems also to be consistent with an approach genuinely based on human rights’ principles and provisions, and inspired by a preventive intent which could reveal itself as more effective in protecting children’s rights and safety.

In other words, using once more our gate metaphor, the approach adopted in the project examines to what extent the gate is open and inclusive in order to determine an adequate level of protection also for migrant children coming to Europe. In a broader sense, and without undermining the criminal dimension and underestimating the importance to carry out and improve prosecution activities, this initiative tried to reflect the connection between the issue of protection and certain crucial factors - namely citizenship, recognition, poverty and social exclusion - which continue to shape

migration as a sociological phenomenon and as a human experience. These are also core factors which surely influence the level of risk for separated children against trafficking and exploitation.

According to this approach, enhancing the capacities of the guardians and the guardianship system against trafficking, is correlated and proportional to the institutions' and actors' willingness and capacities to adopt this perspective. In fact the possibility for the guardian to be seen just as a mediator between the child and the institutions but as a person who stands on the side of the child and actively promotes his/her rights and inclusion in the protection system, is considered as the necessary condition for an effective protection of migrant unaccompanied minors.

The research process implemented in Greece, Italy, Cyprus and the Netherlands attempted to assess the level of inclusion/exclusion of the various national welfare and protection systems as well as their appropriateness and effectiveness in responding to children's needs and rights. Moreover, the compliance of national policies, strategies and actions with the principles and provisions imposed by international human rights legislation was examined. The research hypothesis considered the above said aspects as essential to determine what a guardian should be and do in order to protect children from trafficking and exploitation.

This "simple" approach tried to overcome a limiting and restricted vision of trafficking by undertaking the "rear door". In a sense it is this very door that was intended as a more realistic mean of access, facilitating the appreciation of all the basic conditions necessary to lower the risk factors and strengthen the protective ones.

The project was built on a previous analysis and standards definition of guardianship, obtained through the EU supported initiative "Closing a Protection Gap". That experience has been integrated by a wider systemic perspective aimed at deconstructing the notion of vulnerability in order to better understand it. In attempting this, vulnerability was viewed as something pertaining not to some peculiar characteristics of an individual, but to the nature and quality of relations existing between the individual and the surrounding context. It is this very context with its opportunities, or lack of opportunities, that determines the possibility to translate the protection rights, to which every child is entitled, into real and effective actions.

In fact, the core hypothesis of the initiative was that a "healthy" and welcoming context should be considered as the core dimension to protect children against trafficking and exploitation. The same perspective tends to naturally consider that any other specific strategy to fight these criminal phenomena and tackle the risk factors should be based on and related with a systemic analysis aimed at identifying the conditions that make these phenomena possible.

This shift of attention, which involved a process of analysis conducted in the four countries, encountered much resistance and many obstacles. The latter mainly emerged due to the project's demand to identify crucial responsibilities and omissions, often eschewed through simplistic narratives and hindered by the threatening perspective of considering the incidence of trafficking not just as a crime related phenomenon, but as a direct consequence of unaccomplished duties in the process of protecting human and children's rights.

Guardianship and guardians, following this perspective, embody the core responsibilities to help keep the gate open and functioning, in order to concretely protect children and their rights by allowing them to access the national protection and welfare systems in Europe, as they are rightly entitled to.

Any gate, in order to be solid and function properly, should be considered as a mechanism composed by interconnected elements. This materialistic image has the advantage to convey the idea that any protective strategy should rely on the system as a whole. Again, the positive/inclusive or negative/exclusive use of this gate, correspondingly leading to inclusion or exclusion, depends very much on the capacity of a system or a person to understand how and when this gate should be open and when it should be closed.

## II. APPROACH AND METHODOLOGY

The GATE project was conceived as a process to explore, under different perspectives if, how and up to what extent the protection and guardianship systems in the 4 countries involved were effective against trafficking and exploitation for separated children. The result of this process was intended to highlight critical aspects of each country's system which would in turn indicate, in a replicable way at European level, how to reinforce these systems as instruments for the protection of children and the prevention of risk factors linked to trafficking and exploitation.

The process was developed in close cooperation with the 4 partners and the methodology was elaborated in such a way as to better respond to the specificities of the national contexts involved.

| Image 1 - Methodology definition and research phases |



## DEFINITIONS

Before providing details of the methodological approach developed in the first 12 months of implementation, it is important to describe the terminological choice of the term “separated children”.

Considering the various definitions adopted in programs and policy development as well as the variety of terms used in different countries, the research teams have adopted the expression “separated children” for their national reports, instead of the more generic definition “unaccompanied minors” which, in our opinion, does not give account of this specific group’s legal status. With the term “separated” we would like to underline the condition of a young individual temporarily far from his/her parents or from primary caregivers, who should guarantee for the response to his/her needs and rights<sup>1</sup>. This choice might show some inconsistencies in the various national reports in so far as the latter will be describing different situations where different terminologies are used by the various stakeholders involved. Notwithstanding these inconsistencies and the more “practical” choice of “separated children” as a common definition, we would like to point out that at the present phase of the project the analysis developed seems to confirm and indicate “children on the move” as a more appropriate and comprehensive expression, which better reflects the lived experiences of this group of children<sup>2</sup>.

## BACKGROUND

It is also important to recall that the specific attention on guardianship as a key institution which can “translate” international human rights and children’s rights legislation into practice, especially in relation with trafficking and exploitation, was solicited by and referred to the DCI-NL-led project “Closing a Protection Gap”. The knowledge produced by this previous EU funded initiative led to the identification of core standards for guardians of separated children. The GATE project tried to expand and complement with a systemic perspective the indications and the guidelines that emerged from that action, which is still developing at European level.

## PRELIMINARY PHASE

The first phase concerned a preliminary exchange of information among the project partners, aimed to identify common definitions and a shared rationale for analysis. The research coordination provided a series of references and frameworks for analysis, which served the purpose of soliciting a comprehensive identification of the problems observed and the variables to adopt. More specifically, the suggested paradigm aimed at linking a child-rights perspective with a systemic overview of the national protection and welfare systems, on which children should count for their safety against trafficking and exploitation.

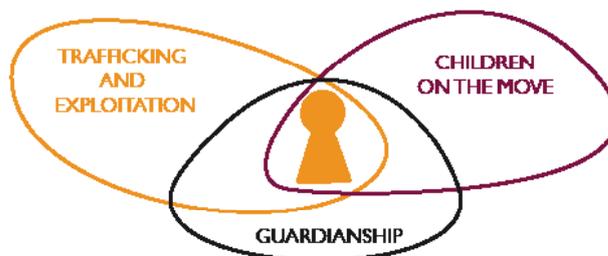
The primary scope of this first phase was then to gather relevant information from the 4 national contexts involved, with the proposal for each partner

<sup>1</sup> For more details on the definition of separated children see [www.separated-children-europe-programme.org](http://www.separated-children-europe-programme.org).

<sup>2</sup> For further details on the definition/concept of children on the move see the executive summary of the International Conference on Protecting and Supporting Children on the Move, organised in Barcelona in October 2010 by the Global Movement for Children (GMC), with the support of Generalitat de Catalunya, Intervida, Oak Foundation and Save the Children UK, available at: <http://www.gmc.org/en/action-within-the-movement/gmc-actions/actions-by-imperatives/other-campaigns-a-actions/current-actions/90> (Accessed October 2012).

organization, to lay out in a preliminary study definitions and connections concerning three fields of enquiry (see figure below), and in particular: a) The status of policies, strategies and responses provided to separated children b) the status of policies, strategies and legislative frameworks related with trafficking and exploitation of human beings c) the framework definition and status of actual implementation of guardianship policies, strategies and institutions.

| Image 2 - Fields of enquiry |



Each partner provided a first preliminary report containing information that facilitated the definition of a methodological protocol for conducting a proper and adaptable in-depth research in each national context.

## RESEARCH COMPONENTS

Starting from the preliminary study carried out by the partners, the Research Coordination Team<sup>3</sup> developed a framework for data and information collection which, through different respondents, would provide relevant data and information in order to compose a comprehensive overview concerning risk and protection factors. Such an overview should provide a solid base to identify strengths and weaknesses in the systems as well as to formulate evidence based recommendations at national level.

The information requested by the research protocol from each participating country included the following four components, which also gave shape to the report structure:

- a. **Part one:** Quantitative data and desk research provided a picture of the phenomenon, particularly with regard to the legislative framework related to separated children as well as trafficking and exploitation, including the key definitions adopted (e.g. the definition of separated children and of “identified” children) and the practices, policies and procedures for their placement and care, with particular reference to all the practices and procedures which have an impact on children’s level of protection (e.g. age assessment, detention, needs assessment, access to education, health care, vocational training, etc.). In addition, the researchers were invited to discuss and compare available “official” data against data from other national and international sources, in order to analyze the capacity of inclusion and the reliability of the collection data system.
- b. **Part two:** Definition and description of the guardianship system, with a focus on the legislative framework, policies and procedures concerning the national guardianship system, including information on the training of guardians, their work methodology and competences on trafficking. Particular attention was paid to the definition adopted for guardianship, if any,

<sup>3</sup> The Research Coordination Unit is formed by Pippo Costella, Annalisa Furia and Maria Paola Lanti of DCI - Italy.

to its compliance with the human rights legislation, its inclusiveness and effectiveness in protecting and supporting children.

- c. **Part three:** Analysis of protection gaps and risks. This part pays particular attention to the most worrying protection gaps and risks separated children are exposed to in each country. It included quantitative and qualitative information on trafficking and exploitation in each country.
- d. **Part four:** List of actions/reforms to be undertaken. This part concerned the discussion of the main reforms and/or actions (policy reform, new legislation, training courses, etc.) which are reported to be necessary for the enhancement of the level of protection of separated children

#### SETS OF QUALITATIVE VARIABLES

More specifically various categories of respondents were identified to provide information on the following intertwined set of variables:

- 1) The capacity of the protection and guardianship system in each country to include the population composed by separated children, with a particular focus on factors that define the **inclusion/exclusion** end-points.
- 2) The **appropriateness** and the relevance of each country's protection and guardianship system in relation to responding to the needs and rights of separated children.
- 3) The **compliance** of each country's protection and guardianship system with the principles and the provisions derived from a child rights and human rights perspectives/approach.
- 4) The **effectiveness** that a protection and more specifically a guardianship system, both in its specific elements and on the whole, demonstrates around protecting children against exploitation and trafficking.

By adopting a perspective mainly oriented on prevention, the key assumption of the study was that an adequate and appropriate response to the basic needs and rights of the child, as stated in the international legislation, will play a crucial protective function from trafficking and exploitation phenomena.

In order to guarantee consistency with principles and provisions of international legislation as well as maintain children and their situation as a core dimension of the observation, a second set of variables was introduced, clustering needs and rights of children along the 4 dimensions of **survival, development, protection and participation**.

| Image 3 - Children's needs and rights, clustered in 4 dimensions |



The study investigated the above mentioned dimensions by focusing on the needs and rights of the child deriving from the principles and provisions contained in the UN Convention on the Rights of the Child (CRC) and other relevant international human rights legislation.

These dimensions have functioned as a “map” to connect needs and rights and to investigate the different problems concerning each dimension. They have also functioned as a tool to maintain a solid and holistic approach in the analysis as well as in the identification of system responses and recommended standards.

The investigation concentrated on exploring the following key factors to assess the “protective” functions and determine the level of risk and protection of children from trafficking and exploitation.

### **On Survival**

- Health care (including care for specific needs)
- Housing conditions
- Nutritional conditions
- Awareness of sexuality

### **On Development**

- Access to education
- Relation with peers and adults
- Vocational training
- Relation with family of origin
- Personal projects and perspectives

### **On Protection**

- Stable connection with the hosting context
- Awareness of risks
- Level of connection with previous situations involving exploitation
- Elaboration and assessment of previous experiences

### **On Participation and Citizenship**

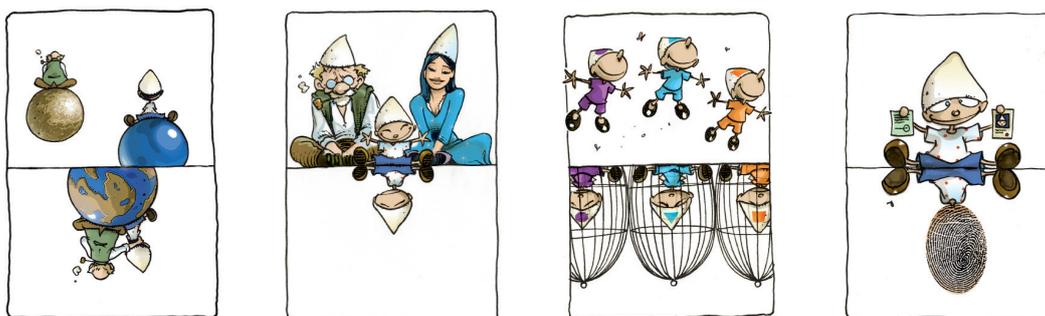
- Stability of the residence permit
- Access to information
- Possibility of expression
- Participation in the definition of the living context

This third set of variables under observation focused on the capacity of the system to respond to children’s needs and rights from their own point of view. In order to proceed with this observation a set of 16 specific needs/rights has been graphically reproduced in a deck of cards which helped to directly verify with children, through a narrative game (GATE game), the quality of the situation and the system response to each specific need. In particular, through a game session using the deck of cards, children were solicited to express their point of view in relation to their life experience.

More specifically, as a general orientation for the interviewer, the aim of the session was to collect for each need/right data and information based on another set of variables:

1. the degree of primary need/right **satisfaction**
2. the **appreciation** of the response to the primary need/right
3. the level of **appropriateness** of the response to the primary need/right
4. the stability/temporal **continuity** of the response to the primary need/right

| Image 4 - GATE GAME: Four out of sixteen cards used for the sessions with children |



A series of tools to interview various categories of stakeholders in each country were developed. Based on a set of methodological indications, each research partner proceeded with the interviews with stakeholders and the sessions with children. With respect to the latter, it has to be noted that during the development of the research, it became important to include children outside the welfare and protection systems as a sample population, despite the practical difficulties that this decision might have caused. The inclusion of this sample population was in fact considered necessary to appreciate the level of inclusion and exclusions of the various systems as well as to better understand children's perspectives.

## GROUPS OF RESPONDENTS

In each country, the investigation was carried out by taking three population groups as research samples and for each sample a specific instrument for data collection was used:

**THE FIRST GROUP INCLUDES THE CHILDREN, WHO WERE DIVIDED INTO TWO SUB-GROUPS:**

1. **separated children who were taken into care within reception centers and shelters** and who were therefore considered as children included in the guardianship system under study
2. **separated children who were not taken into care by national institutions** and were therefore considered excluded from the protection and guardianship system identified in low threshold contexts

**THE SECOND GROUP INCLUDES THOSE PERSONS WHO ARE "RESPONSIBLE FOR" AND/OR "ACTIVELY ENGAGED WITH" CHILDREN:**

1. **Guardians.** The aim of the GATE project is to investigate on the guardianship system. Guardians are the principal components of this system.
2. **Social workers.** This group works very closely with separated children and definitely represents a crucial source of information.

THE THIRD GROUP INCLUDED INSTITUTIONAL AND NON-INSTITUTIONAL ACTORS INVOLVED AT VARIOUS LEVELS IN THE INTERACTION WITH CHILDREN:

1. **Institutional/governmental actors** related to the institutional aspects of guardianship. They can provide specific information with a national scope.
2. **NGOs and/or other organizations**, which, from a non-institutional perspective, devote their work to the welfare and to the protection of the child and represent an unavoidable source of information as well as a way to evaluate institutional performance.

| Table 1 - Sample groups |

Population	Acronym	Narrative sessions	Semistructured interview
Children in guardianship	CHILDDin	6	-
Children out, not looked after by national institutions	CHILDDout	6	-
Guardians	G	-	5
Social workers	SOCw	-	5
Organization responsible	ORG	-	4
Institutional Agencies	GOV	-	4

The research coordination, after consultation with partners and based on the preliminary study findings decided to slightly expand the sample size from the initial project hypothesis in order to strengthen the representativeness of the data and enrich the information gathered.

A process to facilitate the relation with the various groups observed and interviewed, especially those with children, was indicated to the researchers together with tools and appropriate procedures for obtaining the consent of the various respondents.

## RISK/PROTECTION FACTORS, STANDARDS AND RECOMMENDATIONS

The national researchers were asked to reprocess the information obtained, to integrate it with the systematized set of data already gathered, and to identify on this basis a series of factors which could be intended as risk or protection factors.

Based on the information that was progressively gained in the 4 countries and by adopting a matrix based on the first two sets of variables, 16 standards were identified to orient protection and guardianship systems, through a specifically analytical approach elaborated by Greece and Italy in their role of leading partners for the project. Each standard was complemented by a series of indicators, aiming at specifying the core information, together with some additional specifications which would link each standard to the trafficking and exploitation phenomena under observation.

Following the identification of the common standards and indicators, all partners were encouraged to question their own analysis of the problems identified, in order to allow the emergence of new information beyond the

stereotypical vision which often hinders any possibility to new, more useful and realistic ways of relating and interacting with certain phenomena. In this perspective the process represented in itself a challenge for each partner, who was asked to actively participate in the common construction of a new analysis while the research process was still progressing in relation to the different stakeholders and respondents being involved at national level.

In order to appropriately sustain this experimental approach, the process was progressively defined and oriented through an intense interaction among the research coordination team and the partners, with the primary aim to adapt the research protocol to the peculiarities of the different national systems.

After further testing and exchange with the 4 partners, the 16 standards were used to develop a systemic set of recommendations in each country, aimed at improving the national protection and guardianship systems.

#### COMPARATIVE ANALYSIS, PRACTICAL ORIENTATIONS FOR GUARDIANS AND EU REPORT

The consistent amount of information and elaboration developed at national levels in the 4 countries provided the elements to proceed in a comparative analysis aimed at identifying common problems, differences and orientations.

Beyond the primary geographical scope of the project the research team highlighted some information that could have revealed useful also to contribute in developing a European perspective on risk and protection factors based on the same approach defined through the variables considered in GATE.

With this “European” ambitions and intentions the last phase of the initiative have been an effort to provide a synthesis aimed at helping guardianship and guardians, in theory and practice, with concrete suggestions based on the systemic platform that was developed. The main effort has been to translate the evidences gathered on the field with stakeholders and children together with all the analysis and elaborations conducted, in practical orientations that could support guardians in their functional relations with children and with the multiple and integrated set of needs and rights proposed by each one of them.

The optimal and more direct way to develop such orientations has been deemed by the research team of the project to go back to the GATE game developed for the narration sessions with children and identify for each of the card, representing a specific need, a set of suggestions on what a guardian should know, should do and how he/she should be to guarantee appropriate closeness and protection to the child.

Together with a description of the approach, the methodology and the elements derived from the comparison of the evidences gathered in the four national contexts involved, this systemic set of recommendations for guardians represents one of the core results developed by the GATE experience.

The present European report which is one of the final deliverables of the project has the ambition to serve as a tool to communicate the key elements derived by the initiative but hopefully also as a tool that guardians and stakeholders at various levels could use to inform their specific mandates and cooperation efforts.

# PART I

## SUMMARY & COMPARISON OF THE NATIONAL REPORTS



---

## PART I - SUMMARY AND COMPARISON OF THE NATIONAL REPORTS

For the purpose of the GATE project, part of the contribution of each partner - country included the production of a National Report<sup>4</sup>. The report aimed at not only exploring the national legislative framework on migration, trafficking and exploitation of children as well as the existing guardianship system but also analysing the field research (interviews with professionals and narrative sessions with children), locating risk and protection factors as well as producing national recommendations, based on standards and indicators identified through the project.

Originally a long version of the report was produced, including extended and detailed information on the national legislative framework and the field research. Further on, the report was condensed for the practical reason of being disseminated, maintaining the core and conclusive information of the original report though.

In this transnational report, all partners' National Report is summarised, based mainly on the condensed version but where necessary also on the long version, followed by a Comparative Analysis. The latter provides more impact information on the differences and similarities among the different protection systems and ultimately draws a picture of the level of protection against trafficking and exploitation for children across the European countries. It should be highlighted that both the long and the condensed version of each National Report remain crucial points of reference for any further explanation or clarification needed for this Transnational Report, as it would be very confusing and impractical to maintain all the footnotes as well as the whole bibliography provided by each country.

The purpose of the below analysis is to present the core aspects of each country's protection system and as a next step to provide information on a European level, on how a protection system could be reinforced in order to raise the level of protection of children, function in a preventive way against the trafficking and exploitation of children and obtain higher compliance with the Convention on the Rights of Children.

As already described in paragraph II of the Introduction, part of the field research, based on the research protocol, included collection of data through 3 research group samples: 2 main groups of adults (in total 4 sub-groups: Guardians, Social Workers, Institutional/Governmental actors, NGOs and/

---

<sup>4</sup> The National Report of each partner country can be found both in its long and condensed version on the GATE project website: <http://www.gate-eu.org/>

or other organisations) and 1 group of children (2 sub groups: CHILDiN and CHILDout). Along with the summary of other parts of the National Reports, further below, the conclusions deriving from the analysis of these quantitative and qualitative data are presented for each country partner.

Through the above research procedure, a set of 4 of qualitative variables (inclusion/exclusion, appropriateness, compliance with the CRC, effectiveness) were explored in relation to the interviews conducted to the sample groups of adults. Correspondingly, another set of variables was introduced, through the narrative sessions that took place with the sample group of children, clustering children's needs and rights along 4 dimensions (survival, development, protection and participation).

These 4 dimensions include a total of 16 variables<sup>5</sup>, describing needs and rights of children, which were all graphically reproduced in a deck of cards (GATE game). The GATE game was used as a tool for facilitating and conducting the narrative sessions with children, allowing the national researchers to investigate, through the children's experiences, the response of each national protection system against trafficking and exploitation of children.

For each one of the 16 variables, a set of another 4 variables was used in order to facilitate the orientation of the interviewer towards the collection of the necessary research data. This additional set of variables examined whether the response of the protection system to children's rights and needs not only ensures the child's satisfaction but also is appreciated, appropriate and provides stability through its continuation.

## A COUNTRY SPECIFICITIES

It was deemed important to illustrate the specificities of each country, which are considered to have an impact on the level of protection provided to children as well as to the conduction of this project research.

Furthermore, through this research certain constraints and/or limitations emerged from the different national protection systems, leading mainly to different levels of deviation from the type of sample or sample size.

### GREECE

Due to the existing dysfunctional protection system in Greece, there were difficulties in reaching any official guardians. Therefore, in order to cover this group necessary for our research, we approached professionals, who unofficially though but through their work, at one point or another have undertaken the role of a guardian and have experience in supporting undocumented immigrants during or after detention and children-victims of abuse, neglect or trafficking.

In addition another limitation in our research is that the narrative sessions were conducted only with boys, as despite the necessity, there isn't yet any specialised accommodation centre for girls. Therefore this research is limited with regards to the gender of minors, which did not allow us to have an

---

<sup>5</sup> Survival: nutrition/food, home, health; Development: education/learning, work, money, family of origin, friends, play/amenement, relation with opposite sex/sexuality; Protection: risks, relation with adults, journey; Participation: documents/citizenship, life projects, spirituality.

insight on possible issues experienced by girls. Moreover, there were problems related to approaching unaccompanied minors out of care as in Greece there does not seem to exist any structure that supports that group of children. Therefore, with the help of an interpreter we looked for these children in abandoned buildings and due to a number of difficulties we encountered (communication, fear, unavailability, unwillingness to interrupt their work, lack of structured and safe environment for the sessions, etc), we managed to conduct a session with 4 children rather than six, as suggested.

#### ITALY

The keyword that defines the Italian national context with regard to the situation of separated children, is 'fragmentation'. This structural fragmentation, together with the lack of a national policy, training strategy and monitoring system, financial support, standardized procedures, practices and guidelines entail an extreme heterogeneity in the quality and level of protection granted to children, which is reflected in the role, qualification and capacity of the guardians and the guardianship system.

The heterogeneity of procedures, practices, competences and level of service provision and control with regard to separated children's placement, care and protection, makes it very difficult to analyze the 'national' level of inclusion, adequateness, effectiveness and compliance with regard to children's needs, rights and protection from trafficking and exploitation.

On the one hand, separated children have different personal stories, migratory projects, personal resources and aspirations and they face numerous and various risks, not only during their journey but also in Italy (Amnesty International 2006, 2007, Save the Children 2009a, 2009b, Furia 2012). On the other hand, the level of care and protection they receive very much depends upon the city or region where they happen to arrive, and, more worryingly, on the heterogeneous level of competence of the professionals they come into contact with.

#### THE NETHERLANDS

In the Netherlands there was a focus on topics such as the experiences with different care facilities; disappearances of separated children from reception facilities; the risks of exploitation when turning eighteen years; the potential consequences of the revision of the policy for separated children and the B9 residence permit for victims of trafficking and exploitation, as they are considered of high importance. The specific partner made the decision to deviate from the suggested and agreed sample groups and sample size, as it was considered that this deviation would facilitate and support the better representation of the Dutch context and would ultimately serve best the GATE project.

#### CYPRUS

The difficulties encountered were related to administrative procedures and refusal of the relevant public authorities to collaborate with the research team. Therefore, the Social Welfare Services (SWS) of the Ministry of Labour and Social Insurance and the Cyprus Commissioner for Children's Rights denied any access to the official guardianship system of Cyprus, the unaccompanied children, the guardians and public social workers from the SWS. Their refusal to participate, in particular of the SWS, resulted to the inability to interview

children, guardians and social workers within the guardianship system.

Reflecting on the conditions that were created and feeling the responsibility to proceed to the research for the overall project's success, the research team approached other experts and NGOs active in this field. In addition, since no child could be approached under the guardianship system, an alternative strategy was designed and implemented in order to cover the aims of the research. Therefore, it was decided to interview ex-separated children, who at the time of the research were between 18-20 years old. That decision, however, had some consequences regarding the collection of the research findings as some questions could partially be answered or not at all.

## **B. OVERVIEW OF THE LEGAL FRAMEWORK AND FIELD ANALYSIS IN GREECE, ITALY, THE NETHERLANDS AND CYPRUS**

### **B.1 GREECE**

#### **B.1.1 Legal Framework and main gaps of the national protection system**

There is a number of key international treaties related to children's rights as well as their protection from trafficking and exploitation, which Greece has signed and ratified: Convention on the Rights of Children in 1993; CRC Optional Protocol on the Involvement of Children in Armed Conflicts in 2003 and CRC Optional Protocol on the sale of children, child prostitution and child pornography in 2008; Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms in 1974; Convention against Transnational Organized Crime in 2010, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in 2011; ILO Convention no. 182 on the Worst Forms of Child Labour Convention in 2001; Lanzarote Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2009. In addition, Greece has signed but not yet ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

Greece submitted the 2nd and 3rd State periodic report to the Committee on the Rights of the Child during its 60th session (29th of May-15th of June 2012), as well as the initial report both on the Optional Protocol of the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and on the Optional Protocol on the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The concluding observations on behalf of the Committee, expressed regret and concern both about a number of areas of national legislation that are not compatible with the Convention on the Rights of the child but also on the non application of the already existing legislation.

#### **MIGRATION**

The most complete, to date, legal text protecting the rights of the child is the United Nations Convention on the Rights of the Child adopted in 1989. The Convention, following its ratification by Greece, by virtue of Law 2101/1992, constitutes part of the Greek legal order and has precedence over all other national legislation. According to article 2 of the Convention, as well as the Greek Constitution (art.21, par.1,3), the protection of the

rights mentioned in it, does not depend on the nationality or ethnic origin of the children and makes no distinguish between nationals and aliens or between children residing legally or illegally in a country.

Unfortunately though, the large number of gaps that exist in the Greek legislative framework as well as in related policies and procedures, facilitate the exclusion of separated children from the national protection system. Only some of these gaps are related to the lack of: data collection and monitoring mechanisms; standardised screening procedures; cultural mediator; presence of a guardian; care facilities; needs assessment and referral system; funding; methodology and tools; training of professionals.

Nonetheless, positive legislative development in this field is the issuance of Law 3386/2005, on entry, residence and integration of third-country nationals in the Greek territory, also setting the criteria for the provision of a residence permit; the Presidential Decree 220/2007 on the adaptation of the Greek Legislation to the Provisions of the Council Directive 2003/9/EC of 27 January 2003 laying down the minimum standards for the reception of asylum seekers; and Law 3907/2011 on the establishment of an Asylum service and a First Reception Service.

It should be mentioned though that the fact that legislation relating to children can be found “scattered” throughout various Codes and Laws - constitutes the implementation of the legislation a difficult task and leaves enough room for personal interpretation and therefore heterogeneity in practices, policies and procedures.

#### TRAFFICKING AND EXPLOITATION

In an attempt to set up a legal framework for combating trafficking in human beings, this specific offence was introduced in 2002 through Law 3064/2002, prohibiting trafficking for sexual exploitation and forced labour purposes, but also adopting provisions for the protection and support of victims. In addition, the foreseen protective measures and provisions have been incorporated into the Criminal Code, where the related offences are criminalised.

By virtue of the above mentioned Law, a Presidential Decree (P.D. 233/2003) was signed in August 2003, also foreseeing specific provisions for child victims of trafficking, in order to introduce a victim assistance mechanism, which would ensure the right to safe residence in special houses under humane living conditions, medical assistance, psychological support, provision of a lawyer and interpreter as well as the right to participation in educational and vocational training programmes.

In January 2006, Law 3386/2005 entered into force, introducing certain innovative elements, such as the introduction of a reflection period, during which there is provision of access to appropriate treatment, but also the provision of a residence permit of annual duration, which gives access to education, health care and vocational training. However, this residence permit was provided only in the cases of victims, willing to collaborate with the authorities. Furthermore, the Law contains specific provisions for the establishment of the separated minors' identity and nationality, the location of their families and their legal representation. However, Law 3875/2010 introduced the issuance of a residence permit on humanitarian grounds,

which can also be provided to victims of trafficking, regardless of whether they cooperate with the authorities or not.

It should also be mentioned that, as provided by Law No 3907/2011, the creation of the First Reception Centres at entry points aims at replacing the practice of indiscriminate, long-term and inefficient detention based solely on the grounds of 'illegal entry', with screening mechanisms, short periods of detention and referral of new entrants to further procedures, according to the status and the needs of each individual. Therefore, asylum seekers, separated children, torture and human trafficking victims will be dealt with differently than those detained to be deported.

Even though, during recent years there has been a growing dynamic in the confronting of Trafficking in Human Beings (THB) as well as a great progress specifically on the fight against Trafficking of Children, there are still some inaccuracies and deficiencies that should be carefully taken into consideration, such as the fact that, even though the Greek legislation foresees the provision of a number of services, in reality basic needs as accommodation, medical and pharmaceutical support to victims are still provided mainly by NGOs.

#### GUARDIANSHIP SYSTEM

The UN Committee on the Rights of the Child as well as the Greek Civil Code (art.1589-1647) provide for the appointment of a guardian, who should be consulted and informed about all actions taken with regard to the child, as soon as minority is identified. Correspondingly, it is foreseen that guardianship should be reviewed<sup>6</sup> and monitored by a supervisory institution<sup>7</sup> and that it should provide legal representation in case a child enters the asylum procedure<sup>8</sup>.

According to Greek legislation and a Ministry of Interior circular, the Public Prosecutors are the ones to act as temporary guardians for all separated children and are entitled to propose the appointment of a permanent guardian through the court. However, social services which are responsible for appointing permanent guardians fail most of the times to fulfil such a task while a very few structures are prepared to undertake this responsibility, like NGOs or directors of accommodation centres.

The guardian, who must be appointed within a month from the day the child is identified by the competent authorities, has duties related not only to administrative and legal representation of the minor, but also to the child's upbringing, education, and housing as well as becoming a reference point and a role model for the latter. However, the State does not actually seem to be aware either of the significance of the existence of a guardian for the life of the minor or of the complications generated by his/her absence and does not demonstrate the necessary attention to cover this legal and practical vacuum.

A positive legislative development in this field was the issuance of the Presidential Decree 220/2007, according to which the provisions stated should be applicable to all separated children regardless of their legal status. It appears

---

<sup>6</sup> UN Committee on the Rights of the Child, General Comment No. 6, par: 35.

<sup>7</sup> Greek Civil Code, article 1634.

<sup>8</sup> UN Committee on the Rights of the Child, General Comment No. 6, par: 36.

though, that the new provision of Article 19 par. 1 of this P.D. is interpreted narrowly by at least some Public Prosecutors and at the same time the number of Prosecutors is inadequate for undertaking the high number of separated children located in the Greek territory. As a result, children usually do not even meet their guardian, let alone establish a trusty relationship with him/her and are left feeling unsupported and unprotected (UNHCR, 2009).

To conclude, guardianship system in Greece is completely ineffective, leaving the separated minors unprotected. Guardianship, which is such an important part of the structure for these children's protection and well-being, should be regulated by stricter legislative regulations. Additionally, more attempts to raise public awareness on minors' rights and their vulnerability should take place, while it is also necessary for professionals engaged in this area to be provided with special and continuous training and information, relevant to these children's issues.

### B.1.2 Results of field research with professionals

| Table 2 - Adult Study Population in Greece |

Population	1	2	3	4	5
Guardians	x	x	x	x	x
SOCW	x	x	x	x	x
GOV	x	x	x	x	
ORG	x	x	x	x	

*\*For acronyms see Table 1, p19*

#### THE LEVEL OF INCLUSION/EXCLUSION

The main factor that is considered to facilitate the exclusion of children from the national protection system is the existing immigration legislation. The legal framework, apart from already being inadequate, is also followed by its problematic implementation, which in combination with the negligence shown by the State, contributes to the numerous gaps in the protection system, such as the lack of guardians and the low capacity of the existing ones to appropriately practise their role in full.

However, there are a number of other factors that play an important role in children's exclusion, such as the lack of accommodation facilities; general lack of specialised services and the low quality of the few existing ones; lack of training and support for the professionals; low quality level of collaboration and coordination amongst service providers; poor quality of services provided due to bureaucracy; children's decision not to declare minority or abscond from the accommodation centre and/or school; lack of information appropriately provided to the children about their rights.

#### THE APPROPRIATENESS OF RESPONSE TO CHILDREN'S NEEDS AND RIGHTS

The response of the guardianship system to the actual needs and rights of separated children is not considered appropriate, primarily due to its' fundamental gaps: response only to the children's basic needs - and even that is not guaranteed for all children; lack of structures for accommodating the high number of minors; low ratio of professionals versus the high number of

minors; lack of support and adequate training provided to the professionals involved in the protection system.

On the other hand, as a result of a non-existent guardianship system, relevant services, mainly NGOs and Social Services, try to offer a multilevel support. This includes an initial assessment of the child's needs, the use of a personalised action plan, the monitoring of the child's situation, the collaboration with other actors and through a more personalised approach towards each child, in order to cover the actual needs and rights of separated children.

#### THE COMPLIANCE WITH THE CRC

According to the interviewees, there is compliance of the national protection system with the CRC, but only on an official and theoretical level. In practice, the protection system is not implemented according to national and international legislation due to existing gaps in the guardianship system or lack of clarification of national legislative regulations. Additionally, the lack of training for the professionals, which also leads to the defective knowledge of many regarding the children's rights and needs, constitutes an impediment for implementation of the laws in every action taken and service provided.

Even when there is an intention to support children according to the CRC, other issues such as the lack of funding, accommodation structures, work methodology and tools as well as bureaucracy, eventually lead to a reduced level of protection. Even though the State is responsible for the coverage of the children's needs, this seems not to work and as a result the professionals, mainly from NGOs, take up on the State's responsibilities in order to protect these children. Consequently, the coverage of children's needs, the recording of data relevant to them as well as their monitoring, the information of children on their rights, the raising of public awareness and the collaboration with other services, take place mainly owing to the willingness of professionals and not due to what is set by a structured framework, included in national and international legislation.

#### THE EFFECTIVENESS IN PROTECTING CHILDREN FROM TRAFFICKING AND EXPLOITATION

The interviewees themselves perceive the protection system to be ineffective regarding the protection it provides to child victims of trafficking and exploitation due to a number of factors, like the inadequate legislation, lack of funding to the services, unawareness and incompetency at political and professional level as well as the social prejudice.

Following a more systemic approach, there are more factors that constitute an impediment for the effectiveness of the system, such as: the often low quality level of the response to children's needs; the inadequate appointment of a guardian as well as the inadequate response of the guardian towards the child's needs; lack of job offer in this field; lack of information and support offered to children at all phases of their stay but especially at the beginning of their "journey" in the country; inadequacy or even non-existence of an assessment, collection data and monitoring system; lack of sufficient or high quality coordination and collaboration among services providers; lack of an appropriate education system for these children as

well as lack of training and supervision for the professionals involved in this field.

### B.1.3 Results of narrative sessions with children

| Table 3 - Narrative sessions in Greece |

Population	1	2	3	4	5	6	7	8	9	10	11	12
CHILD in	x	x	x	x	x	x	x	x	x	x	x	x
CHILD out	x	x	x	x	-	-						

x = additional narrative session

\*For acronyms see Table 1, p19

## SURVIVAL

### 01 NUTRITION/FOOD

With regard to this basic need, the system response seems to be assured, appropriate and efficient as all children under care are provided with a good number of meals daily; in many cases the meals provide them with satisfaction and at the same time they feel comfortable enough to express any dissatisfaction to the staff of the facility they live in. On the other hand, the need for food is not appropriately, usually not even at all, covered for the CHILDOUT, meaning that a number of minors, who are not placed in an accommodation centre, are left hungry and unprotected.

### 02 HOME

Regarding the provision of accommodation, when it comes to children in care, the response of the system is assured but the level of appreciation and appropriateness is difficult to assess, because overall the children who have experienced bad and uncomfortable situations during their journeys, are grateful to have a safe place to live, even though many of them see it as a temporary place to live in or as the best option they are left with. As for children outside the protection system, the response is definitely not assured as the need for a safe and stable accommodation is certainly not covered, leaving children exposed to a series of dangers.

### 03 HEALTH

Health care is provided to CHILDiN, as the staff of the accommodation facility takes care of them, making the children feel comfortable in approaching them and asking for help, when needed. On the contrary, children left out of the protection system do not have access to the national health system and can only depend on themselves, their friends or certain NGOs, which provide basic medical care.

## DEVELOPMENT

### 04 EDUCATION/LEARNING

Education is neither assured for all CHILDiN nor appropriate for the ones going to school as it is not clear to them why they need to attend school and they do not have a say in any of the related decision making. Most of them like going to school, but not necessarily for reasons related to their enthusiasm or appreciation of learning. On the other hand, the education

system seems to be unreachable to the children out of care either because they cannot access it or because their major priority is to find a job.

05 WORK

Most of the children in care do not have a clear idea of what they would like to do when they grow older - only half of them have memory of receiving information regarding the vocational training courses and even less are interested in attending one in the future. At the same time, children out of care do not know what they want to do when they grow up, they are completely unaware of the existence of trainings that they could attend and just want and need to find a job.

06 MONEY

It seems that children in care receive an allowance by the accommodation centre on a steady basis, while children out of care, can not have that need covered with certain stability, since they either receive some money from relatives from time to time or have to earn some for themselves through work.

07 FAMILY OF ORIGIN

This need for contact with the family of origin seems to be covered for children in care as it this is facilitated by the accommodation centre where the children live in. On the contrary, the lack of money basically prevents the CHILDoout group from contacting their families as often as they would like to.

08 FRIENDS

The findings are quite positive for the CHILDiN group since almost all children seem to be adapting in their new environment, which encourages them to make and enjoy new friendships. On the other hand, the children from the CHILDoout group seem to have established a safe and protective environment rather than having made friends.

09 PLAY/AMUSEMENT

The need for amusement and play seems to be satisfied as the children in care have the chance to meet with friends, spend some time with them and enjoy themselves quite frequently. Apparently, some of the CHILDoout group have the opportunity to also have some fun, but not so often, and others do not even show much interest in such activities, as they are stressed out with the fact that they need to find a job and earn money.

10 RELATIONS WITH THE OPPOSITE SEX

The vast majority of the CHILDiN reported that they like a girl, who they have met in Greece, are in contact with and spend time together, usually through school. At the same time, all children from this group have been informed about sex, its dangers and how to protect themselves. On the other hand, the CHILDoout, even though they all stated to like a girl here or back home, did not want to talk about it and it seems that they did not have contact with that girl, as they have other anxieties and priorities in life like ensuring food for the day. In addition, they did not feel comfortable talking about sex, so there is not much information to draw conclusions from.

## PROTECTION

### 11 RISKS

All children know about the possible dangers that a child may encounter, as they all have experiences of their own and/or of people close to them. The response of the system seems quite appropriate, as children under care are now advised on how to act in case they find themselves in similar dangerous situations; some would turn to their siblings, while some even feel that they have a place to go and adults they can trust and ask help from, within the accommodation facility. On a different note, children out of care would either turn to a friend or act in a way that they feel would protect them from a dangerous situation, as going to the flat where they live with others. Unfortunately they do not feel that they have a specific adult that they could trust and consequently turn to for such a problem.

### 12 RELATIONSHIP WITH ADULTS

Almost all children have had some kind of negative experience in the past regarding adults and the danger that they felt in their presence. However, it is encouraging to see that all children under care now feel safe and sure that there are adults they can trust and turn to when they need support. In the case of children out of care, things seem to be different, as some declare that they have met an adult that helped them while in the country, referring though, to some countrymen, who informed them about an NGO to which they could address certain problems, such as medical issues.

### 13 JOURNEY

Most of the children in care stated that they have stopped travelling apart from the ones, who would do it but under a different context, e.g. visiting their parents. As for their journey, all of them were smuggled into the country and their parents are still trying to pay off their transfer to Greece. On the contrary, most children out of care are still travelling and even though the journey of some has been or is still being paid off by their parents, others worked back in their homeland in order to pay the traffickers.

## PARTICIPATION

### 14 DOCUMENTS/CITIZENSHIP

Even though none of the children have a visa, all children of the CHILDiN group would like to have one as they appreciate the choices and the freedom that it will provide them, despite the fact that none of them were aware of the necessary procedures in order to get one issued. From the CHILDoU group only one child stated his desire to obtain a visa, while the rest did not even give us a hint on their desires.

### 15 LIFE PROJECTS

Generally it can be said that most children in care have had broader thoughts about their future than the ones out of care and they are trying to plan things in their mind in order to succeed in their goals. Additionally, there seems to be information provided, regarding their options, and encouragement by professionals in order for them to finish school and get an education, while

the children out of care are focused mainly on finding a job and becoming financially independent, as there is nobody who could inform them about their options, advise and support them.

## 16 SPIRITUALITY

Praying is an important ritual in all children's home country and most of the children find it difficult to practice their pray in Greece, without however providing clear information on the reasons causing this difficulty. For children in care this seems easier as they can pray in their room or places of worship, whenever they can go, while children out of care practice their pray in unspecified places. However, it cannot be assessed properly if the children who do pray, are satisfied just because they have a place they can pray or because they get to really satisfy their needs regarding their spirituality.

## B.2 ITALY

### B.2.1 Legal Framework and main gaps of the national protection system

Regarding international law, Italy has ratified the UN Convention on the Rights of the Child (CRC) (Law 176/1991), which forms part of domestic legislation, thus prevailing over conflicting legislation and being directly applicable in case of absence of relevant national regulation and establishing principles and standards to be reached at national level, the two Optional Protocols to the Convention (Law 46/2002) as well as the European Convention on the Exercise of Children's Rights of 25 January 1996 (Law 77/ 2003).

In addition, the principles enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, ratified through Law 848/1955, and in the Charter of Fundamental Rights of the European Union are also applicable to separated children (Moro 2008). Furthermore, Law 218/1995<sup>9</sup> innovated the national framework and established that the protection of children shall be regulated by the Hague Convention of 5 October 1961 and that the Convention's provisions are applicable also to a person who is considered as a minor in accordance with the domestic law of the State of his/her nationality.

According to the national legal framework, separated children are entitled, regardless of their legal status, to the protection measures envisaged by the Italian law for any child who is unaccompanied and without appropriate care as well as to specific procedural safeguards and protection measures.

## MIGRATION

The Italian regulations on immigration and asylum are scattered among a large number of laws, government decrees, ministerial directives and circulars lacking coordination and organization and there are no comprehensive guidelines for their standardized enforcement, resulting in different interpretations of the rules and in the extreme heterogeneity of the practices and procedures implemented across the country.

The Immigration Act 286/1998, is pivotal to the Italian immigration system. However, for what concerns the asylum system, there is no unitary legislative

---

<sup>9</sup> Law 218/1995 on the reform of the Italian private international law.

framework and it is still based on quite old laws (Law 722/1954, and Law 523/1992), on EU regulations and on a number of provisions implementing EU directives. According to this framework, separated children cannot be expelled<sup>10</sup>, nor be detained in the centres for immigrants and are entitled to a residence permit “for minor age”. At the same time, there is a possibility of assisted return of a separated child to his country of origin, which can be decided by the Directorate -Generale on Immigration and Integration Policies of the Ministry of Welfare and Integration Policies.

Recently, the immigration legislative framework changed, as in August 2009, Law 94/2009 on ‘security’ was approved by the Italian Parliament. The deriving provisions actually make it more difficult to obtain and maintain a legal immigration status, considerably limit the access to a wide range of fundamental rights for migrants, including children (Maccanico 2009, Miazzi and Perin 2009, Pepino 2009) and have a harmful impact on separated children’s rights, safety and integration prospects. However, this impact, as a result of the protests made by numerous NGOs and civil society organizations, as well as of the appeals lodged against the new provisions, has been partially limited by the approval of Law 129/201.

Problems have also been reported with regard to the implementation/interpretation of art. 6 of the Dublin II Regulation, particularly for what concerns the length of the procedure for transferring the responsibility for examining a child’s asylum application to the State where his/her parents have been traced and the fact that children may be returned to Member States they have transited through due to heterogeneous interpretation.

As for the relevant practices, procedures and time frame for taking care of separated children and enforcing the relevant rules, there is high heterogeneity, despite the efforts made to promote their standardization. Therefore there are numerous gaps regarding the lack of a standardized and common procedure for the first contact with children as well as for their identification and timely and proper age assessment; the delayed appointment to a guardian; the heterogeneous level of service provision with regard to accommodation care and residence permit issuance; local/regional differences in the access to health care, education, vocational training and job opportunities; lack of a common procedure for the assessment of their specific needs and correspondingly their referral to the appropriate specialized care or support system. In addition, the foreseen protection measures apply to children only till they reach adult age.

## TRAFFICKING AND EXPLOITATION

Italy ratified the United Nations Convention against Transnational Organized Crime of 12 December 2000, its Protocols regarding the trafficking in persons, especially women and children, and the smuggling of migrants (Law 146/2006) and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (Law 108/2010). The UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2000) was ratified by the same Law 146/2006, and the ILO Convention nr. 182 on the Worst Forms of Child Labour (1999) by Law 148/2000. The Council of Europe Convention on the Protection of Children against

---

<sup>10</sup> It has to be noted that the law does not provide clear guarantees impeding the deportation of a separated child found without the necessary entry requirements at a border point-of-entry (Rozzi 2008).

Sexual Exploitation and Sexual Abuse (2007) has been signed by the Italian government, but it has not been ratified so far.

Even though no special legislation on child trafficking has been adopted so far, in 2003, Italy adopted, in order to bring its criminal law more in line with the obligations arising from the Council Framework Decision of 19 July 2002 on combating trafficking in human beings 2002/629/JHA, a specific law against trafficking, Law 228/2003 on "Measures against trafficking in persons", making trafficking<sup>11</sup> related crimes more harshly punishable if the victim is a minor as well as introducing innovative measures for the protection of victims, through articles 12 and 13.

Even before the adoption of Law 228/2003 art. 18 of the Immigration Act had provided for the issuance of a special residence permit for social protection reasons to a foreign citizen victim of trafficking and exploitation and is well known as a best practice for the protection of victims as it is not based on a "reward" scheme, in that it does not connect the issuing of the residence permit to the cooperation with the police and judicial authorities. It established the national system for the protection, integration and assistance of victims of trafficking, also representing a model at European level. Art. 18 also includes a specific provision (par. 6), which is unfortunately rarely applied, that envisages the issuing of a six-month residence permit to a person (adult or minor) who had been involved in criminal activities when he/she was a minor, on the assumption that a child who commits a crime has probably been exposed to forms of violence and/or exploitation, and, due to his/her age and vulnerability, he/she has not had sufficient instruments to recognize the abuses and to escape from them by accessing the art. 18 procedure (Fachile n.d.).

Italy has both a task force for investigating human trafficking and a coordination body for the social protection of trafficked victims, but in both cases there is no specialized group or section on child victims (FRA 2009a), nor has it been approved a national plan or strategy on trafficking of human beings (FRA 2009b), nor is there a national training strategy for the professionals likely to come into contact with children (potential) victims of trafficking. The level of protection and assistance granted to child victims of trafficking and exploitation depends highly on the competence of the professionals involved, the level of coordination among local actors as well as on the existing opportunities at local/regional level and it has to be highlighted that overall children are more likely than adult victims to leave social protection projects.

For the children victims of trafficking and exploitation, there is neither any provision concerning a reflection period foreseen, even though it is in practice available (E-notes 2010, The Protection Project 2011), nor any form of compensation by public funds. While there are several specific safeguards for child victims in criminal proceedings, for what concerns child victims who commit trafficking-related offences, there is no formalized policy of non-punishment.

---

<sup>11</sup> It is worth highlighting that the definition of "trafficking in persons" (art. 601) adopted within the Italian context is quite similar to the definition included in the United Nations Convention against Transnational Organized Crime of 12 December 2000 and its Protocols, except for the fact that there is no explicit mention of the principle that when the conduct referred to in art. 601 involves a child, it shall be a punishable trafficking offence even if none of the means set forth in the same article (deceit, violence, abuse of power, etc., etc.) have been used (FRA 2009a).

## GUARDIANSHIP SYSTEM

In the Italian context, guardianship is enforced with a judiciary measure and it is carried out under the judiciary system's supervision and monitoring. While the Directive of the Ministry of the Interior of 7 December 2006 envisages a specific procedure for the timely appointment of a guardian of separated asylum-seeking children, for separated non-asylum-seeking children national provisions on guardianship are applied. However, current rules on guardianship may be regarded as obsolete under some circumstances, as they date back to 1942. The guardian is appointed by the Tutelary Judge having territorial jurisdiction, while the Juvenile Court is in charge of the appointment of a "temporary guardian" only in case of suspicion of child abandonment and adoption (art. 10, p. 3, and arts. 11 and 19 of Law 183/1984 as modified by Law 149/2001).

For what concerns the duties and legal responsibility of a guardian, art. 357 of the Civil Code states that a guardian is responsible for the child's welfare, upbringing and education; legal representation and management of the minor's ordinary financial affairs. The appointment of a guardian is therefore very important, particularly in case of criminal matters, and he/she plays a crucial role with regard to the child's asylum application or appeal against a return decision. However, even though not envisaged by the Civil Code, through the Closing a Protection Gap Italian National Report (Furia and Gallizia 2011) it emerged that negotiating among actors involved in the child protection and care and active listening towards the minor, also constitute significant part of a guardian's role.

There are no national guidelines on guardianship, no standardized data collection systems, and no standardized procedures and practices for the appointment, training and work methodology of guardians. Therefore, the relevant practices and procedures as well as the level of competence of guardians, in general but even more in the field of trafficking and exploitation, are extremely variable throughout the country.

### B.2.2 Results of interviews with professionals

| Table 4 – Adult Study Population in Italy |

Population	1	2	3	4	5	6	7	8
Guardians	x	x	x	x	x	x	x	x
SOCW	x	x	x	x	x			
GOV	x	x	x	x	x			
ORG	x	x	x	x				

**x** = additional interviews

\*For acronyms see Table 1, p19

## THE LEVEL OF INCLUSION/EXCLUSION

Even though the complexities of the immigration legislative framework and its heterogeneous implementation hinder the effective inclusion of children, the research shows that it is difficult to assess the level of inclusion of the national protection system, as it is mainly based on a multiple set of local factors. The protection/reception system is overall represented as "unattractive" to

children, and often unable to identify them; to adapt to migratory processes' changes; effectively communicate with them, and respond to their individual needs; give children clear prospects of inclusion and integration, and support them even after they come of age. However, the level of inclusion seems to also depend on a child's personal choice, often based on the information received from other children either in the country of origin or in the host country, as well as on the child's own migratory project.

#### THE APPROPRIATENESS OF RESPONSE TO CHILDREN'S NEEDS AND RIGHTS

The research results indicate that it is also difficult to assess the level of appropriateness of the national protection system to children's needs/rights, due to the fact that it depends on a multiple set of local factors, as in the case of the inclusion of the protection system.

While it is impossible to talk about a national model of reception or a common policy for the reception of children, according to some professionals the system is overall unable to respond appropriately to children's needs/rights, due to the lack of adequate comprehension of their needs, adequate methodology, a national policy and political will to intervene in this sector. According to others, the level of appropriateness of the response depends, on the local context, the level of service provision and competences of the service providers but also on the type of needs/rights, as well as the child's personal history, needs, and nationality.

#### THE COMPLIANCE WITH CRC

The national protection system is compliant with the CRC and other relevant international standards only from a theoretical or formal point of view, from which the Italian legislation is in fact considered by all the interviewees as extremely protective and advanced for what concerns children's rights standards.

However, in practice the situation is more contradictory because there are several limitations and flaws which hinder the correct implementation of norms and standards, such as: the contradiction between child protection law and immigration law; the fragmentation of the legal framework; the heterogeneous implementations of norms and procedures; the lack of effective local and national mechanisms for the implementation of control activities on the level of service provision; the lack of adequate and shared procedures for the appointment of the guardian, the access to education and vocational training, as well as the competences and work methodology.

#### THE EFFECTIVENESS IN PROTECTING CHILDREN FROM TRAFFICKING AND EXPLOITATION

It is difficult to assess also the level of effectiveness of the national protection system, as it depends on a multiple set of local factors and on the nationality, age, gender and type of relationships and network of each child.

However, from a systemic point of view there are several factors that may hinder the effectiveness of the system, such as: the non-standardized level of response to children's needs; the lack of: an effective mechanism for the coordination among actors and for the implementation of control activities on the level of service provision; adequate economic resources and viable

work opportunities; adequate and shared procedures for the appointment of the guardian as well as for the age assessment and identification of children; adequate competences on trafficking and exploitation; information on services and protection procedures available for child victims; support and orientation offered to children in the first phase of the reception procedure; support to children in maintaining good relationships with their families; competences in creating a relationship based on mutual trust.

### B.2.3 Results of narrative sessions with children

| Table 5 – Narrative sessions in Italy |

Population	1	2	3	4	5	6	7
CHILD in	x	x	x	x	x	x	x
CHILD out	x	x	x	x	x	x	

x = additional narrative session

\*For acronyms see Table 1, p19

## SURVIVAL

### 01 NUTRITION/FOOD

With regard to this basic need, the response is assured and stable but it is not completely appropriate. Some children, in particular from the CHILDiN group, have the possibility to eat what they like only when they are allowed to cook for themselves or to buy something else to eat, while the others seem to accept the food that is offered to them, even if they do not like it and express a general acceptance of the situation.

### 02 HOME

With regard to this basic need, the response is assured but it is more stable for children in the CHILDiN group than for children in the CHILDoU group. It was difficult to assess the level of appreciation and appropriateness of the response because overall the children, who for the most part had to live on the streets during their journeys, consider themselves lucky and are grateful because they have a place where to eat, sleep and spend their time. Although only few children reported to have some problems, e.g. due to some form of racism or to the lack of response to their needs, overall most of the children do not feel they have found a 'home'.

### 03 HEALTH

With regard to this basic need, the response is assured and overall appropriate for children in the CHILDiN group. The availability of the cultural mediation service seems to represent a key element for the adequate response to health needs. Extremely worrying is the fact that children from the CHILDoU group do not know whom to talk to about their health condition, or where to go to receive medical care.

## DEVELOPMENT

### 04 EDUCATION/LEARNING

With regard to this basic need, the response is assured and overall appro-

priate only for children in the CHILDiN group. The type of school children attend does not seem to promote their integration, as it is attended for the most part by foreign students. Children from the CHILDoUT group would like to go to school, in particular in order to learn Italian, but do not have this opportunity. For all the children it is clear that going to school is important in order to have the possibility to learn Italian and to find a job.

05 WORK

With regard to this basic need, the response is overall assured. The level of appreciation of the response depends on the availability of training opportunities at local level, on the mediation between the child's expectations and the available training opportunities and on the age of the child. Overall most of the children have a clear idea of what they would like to do when they grow older. The children from the CHILDoUT group would like to receive vocational training courses but do not have this opportunity.

06 MONEY

With regard to this basic need, the response is not adequately assured. Children from the CHILDiN group receive a little money from the reception facilities and some of them also from their families, but it is not sufficient for all their needs. Children from the CHILDoUT group have some money because they worked during their journey and/or because they received it from their families. For all the children, saving money is important for their future and for helping their families.

07 FAMILY OF ORIGIN

With regard to this basic need, the response is overall assured, but it is not completely appropriate. Children in the CHILDiN group are supported by reception facilities in keeping in contact with their family of origin, but they receive little money, in order to do so frequently. At the same time, children in the CHILDoUT group use the money they receive from their families and/or they earned during their journey to contact their families. Access to a web connection is not always assured to children, even though this would improve their possibilities to keep in touch with their families.

08 FRIENDS

The response of the protection system is overall lacking. While having friends is deemed very important by children, and it represents the most important source of practical information and emotional support for them, it seems that supporting children in establishing/maintaining relevant relationships with their peers does not always represent the objective of a specific intervention or attention for reception facilities' professionals. Very often children do not have friendship relationships with children from other countries. Contacts and relationships with Italian children, which would represent a strategic channel for their integration, are occasional and do not end up in friendship, while the most part of children have friends among children of the same country of origin and try to keep in touch with friends at home.

09 PLAY/AMUSEMENT

With regard to this basic need, the response is not completely appropri-

ate, because even though children are able to find on their own fun activities, in which they can involve themselves, and/or to adapt to the leisure activities offered to them, the quality of which seems to depend on multiple external factors (e.g. economic resources, availability and accessibility of local opportunities). More worryingly, children in the CHILDOut group are neither offered a chance to be involved in leisure activities nor are they informed about existing opportunities.

#### 10 RELATION WITH OPPOSITE SEX/SEXUALITY

The response is not completely satisfying and appropriate as the majority of children were informed only by friends (peers or adults) about sexual relationships, sexuality and the possible dangers related to it, and they never received any kind of structured information or support regarding these matters.

### PROTECTION

#### 11 RISKS

It seems important to distinguish between protection from life risks and dangerous situations, which is overall assured to all children, and protection intended in its broad sense, including the respect of children's rights, their empowerment and the promotion of a network of safe relationships around them. From this second point of view, not all the children seem to be adequately protected.

#### 12 RELATION WITH ADULTS

With regard to this basic need, an important difference must be made between children who can and cannot count on voluntary guardians. In the first case, all the children indicated that they felt supported and that they found in the guardian, a person to trust and count on while in the second case, the lack of such a person is compensated by the establishment of a similar relationship with other people inside or outside the reception facility (teacher, psychologist, adult immigrants). Children in the CHILDOut group represent a different case, because they do not seem to have any possibility to find adults, with whom to establish a similar relationship.

#### 13 JOURNEY

With regard to this basic need, all children faced serious life and health dangers during their journey and some of them were exposed to serious risks also after having reached Italy, due to the lack of adequate placement or to their intention to move from one city to another. The main difference between children in the CHILDiN and the CHILDOut group lies on the fact that all children from the latter group want to leave Italy in order to reach another destination

### PARTICIPATION

#### 14 DOCUMENTS/CITIZENSHIP

It seems that the response is inappropriate not only because of the prolonged time required for the issuing of the residence permit and the distress and anxiety it causes to children, but also because of the lack of a reliable timeframe regarding the relevant procedure, which varies also due to the different local context.

15 LIFE PROJECTS

The response of the protection system does not always seem to be appropriate, as it depends on the quality and level of support that children receive in the delicate process of adapting their aspirations and high expectations to the new reality and context they live in. The children from the CHILDout group do not seem to receive any kind of support, or have any person as a point of reference, helping and orienting them.

16 SPIRITUALITY

With regard to this basic need, the response is inappropriate not only because of the lack of accessible religious places, where one can pray (e.g. for Muslims), but also because of the lack of attention and time dedicated to this activity. More worryingly, this need is neglected both in its individual and collective dimension.

**B.3 THE NETHERLANDS**

**B.3.1 Legal Framework and main gaps of the national protection system**

There are various treaties ratified by the Netherlands and other legally binding documents with regard to children's rights as well as trafficking, including the Convention on the Rights of the Child (CRC); the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPCRC-SC); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol); the Convention concerning the involvement of children in armed conflicts; the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse; the Council of Europe Convention on Action against trafficking in human beings; the UN Convention against Transnational organized crime; the ILO Convention on the Worst Forms of Child Labour; the ILO Minimum Age Convention; the EU Directive on Trafficking in Human Beings; the Council Directive on the residence permit issued to third country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who cooperate with the competent authorities.

**MIGRATION**

Since the first of July 2010 the asylum procedure has been revised and a Rest and Preparation Period (I.D. Rust- en Voorbereidingstermijn) has been introduced, with a duration of a minimum of three weeks in the case of separated children, unless the appointed guardian requests for an extension of that period in consultation with the migration authorities, which cannot exceed the three months at the Process Reception facility (POL). This is the reception facility where separated children reside during the first three months in the Netherlands.

Article 29 section 1 from (a) to (f) of the Aliens Act 2000 specifies the grounds for granting an asylum permit and the General Asylum Procedure (Algemene Asiel Procedure (AA)) takes eight days from the first hearing to the decision, but can be prolonged to 14 days in special cases. When the asylum application cannot be treated in the General Asylum Procedure - for example because of medical reasons - an Extended Asylum Procedure can

be followed. If the immigration authority grants an asylum application, the asylum seeker is given a temporary residence permit -up to three years- as long as the child continues to need protection. As soon as the child is no longer in need of protection, then the return to the country of origin must take place but if it is assessed that after the expiration of the temporary residence permit, an individual still needs protection, then a permanent residence permit can be issued.

There are other types of residence permits a separated child can pursue such as a residence permit; as a separated child; on medical grounds; on the protection against trafficking in human beings (the so called B9 residence permit); a 'no blame' residence permit (I.D. Buitenschuld vergunning), meaning that the child cannot return to the country of origin. However, it seems that there is a very low number of children, who will receive a residence permit. The majority of children does not qualify for an asylum or non asylum residence permit and needs to return to their country of origin.

On the 22nd of June 2012, the Minister of Immigration, Integration and Asylum published a letter to announce the revision of the policy for separated children, the focus of which is placed on the return of the child to the country of origin and on the abolishment of a child's possibility of receiving a residence permit on the grounds of being a separated child (scheduled to enter into force by the 1st of April 2013), thus leaving the child undocumented. Even though undocumented separated children cannot receive an ID-document they are still entitled to shelter, education and health care.

#### TRAFFICKING AND EXPLOITATION

In Dutch criminal law exploitation for sexual purposes is covered by a single article in the Dutch Criminal Code (I.D. Wetboek van Strafrecht or WvSr), article 273f, which also describes what constitutes the offence of trafficking and/or exploitation. Dutch legislation on child prostitution, trafficking in children and child pornography, viewed as a whole, criminalizes the behaviors addressed in the Optional Protocol except for the sale of children, article 2 lid 1.

In December 2004, the Dutch government presented the National Action Plan against Trafficking in Human Beings, when additional government measures on combating trafficking in human beings in the Netherlands were introduced (ECPAT 2011, p. 18). This plan of action has been renewed for 2011-2014 and it approaches policy on trafficking in human beings from an integrated multidisciplinary perspective and contains 65 points of action in the areas of human rights, legislation, prevention, victim protection, investigation and prosecution, research and registration. In connection with the National Action Plan, the Board of Procurators General amended the "human trafficking directive," which sets out policy guidelines for the purposes of investigation and prosecution and in which specific attention is paid to minors who are victims of human trafficking.

For victims of trafficking, who report such crime and cooperate with the authorities, the B9 residence permit can be offered, only for the time the investigation is being conducted. Therefore, the B9-residence permit does not focus on the protection and best interest of the child but on the criminal proceedings.

Separated children between the age of 13 and 18 who are possibly or threaten to become victims of trafficking in human beings can be placed in a protected reception facility by Nidos. It is criticized that there is no judge involved in the decision making process to give a judicial review on the placement. Guardians however think it is in the best interest of the child to place the children in the protected shelter and do not agree that the shelter has a closed and custodial setting. The limited possibilities after the child turns 18 are seen as a big problem because the program can often not be completed in the protected shelter. Besides the protected shelter, (potential) victims of trafficking and exploitation are sometimes placed in crisis intervention centres which are part of the Dutch Youth care system.

#### GUARDIANSHIP SYSTEM

In the Netherlands all minors are under custody (article 1:245 of Civil Code), meaning parental responsibility or guardianship. A minor, who is separated from both parents and is not being cared for by an adult having such a responsibility by law or custom, is entitled to be appointed a guardian (article 1:295 of Civil Code). Furthermore, when a separated child's asylum claim is in suspension and the Court can assume there is a temporary lack of parental authority, then the juvenile judge can appoint a temporary guardian based on article 1:253r CC (Civil Code). In addition, in case the child's interests or health are seriously compromised, the juvenile judge may place the minor under the supervision of a guardianship authority. This could happen in cases, where a child has not reached the age of twelve yet, is a victim of child trafficking or the child's parents have left with an unknown destination.

Separated children are under custody of the guardianship body Foundation Nidos, which also has a pre-guardianship of the children, even before the Court decides on the appointment of the guardian. A temporary guardian from Nidos is appointed, based on article 1:241 CC.

Section 1:303 CC stipulates that, insofar as the law does not provide otherwise, the legal guardian has the same competencies and obligations as a parent and according to Section 1:245 paragraph 4 CC, he/she should relate to the minor, the administration of his/her capital and representation in civil acts, at law and otherwise. A guardian's obligations include the care and responsibility for the child's mental and physical wellbeing; the development of the minor following his/her capacity; the supervision of the asylum procedure and the legal representation of the child. In general, a guardian maintains a supervisory function –as a case manager- by contacting everyone involved in the life of the separated child and by outsourcing the daily care to third parties such as foster parents or social workers.

It should be highlighted that the already mentioned announced revision of the policy for separated children, focuses on the guardian's cooperation with the authorities for the return of the child to his/her country of origin and the need for information exchange between the guardian and the migration authorities, constituting in that way a violation of the non-discrimination principle (article 2 of CRC), the specific role of the guardian (article 5 and 18 CRC) and the Core Standard 4 for guardians acting as advocates for the rights of the child.

### B.3.2 Results of field research with professionals

| Table 6 – Adult Study Population in the Netherlands |

Population	1	2	3	4	5	6
Guardians	x	x	x	x	x	x
Foster Parents	x	x	x	x	x	x
SOCW	x	x	-	-	-	
GOV	x	x	-	-		
ORG	x	x	x	x		

x = additional interviews  
\*For acronyms see Table 1, p19

#### THE LEVEL OF INCLUSION/EXCLUSION

Although from the interviews with the various sample groups it emerges that the level of inclusion is difficult to assess, there appears to be a high level of inclusion in the Dutch system. Factors, which are believed to support the inclusion of children in the national protection system, are the special department of Nidos at Schiphol airport<sup>12</sup>, in charge of identifying victims of trafficking; the immediate appointment of a pre-guardian to identified separated children, both asylum and non asylum seekers and the placement of a child in a foster family (40% of the children reside in a foster family).

However, there are certain elements of the system that facilitate the exclusion of separated children either in a direct or indirect way. The poor migration procedures, the lack of a decent future perspective and the threats against children - about being put in detention once they turn 18 - by the Return and Repatriation service, result in a number of children disappearing from the care facilities and therefore being left without the support of protective measures, shelters and residency permits.

In addition, placements in large-scale campuses; lack of consistent policy in relation to the referral system for potential victims of trafficking to the different care facilities; a not offered reflection period to victims of trafficking; lack of an ID-card for undocumented separated children; criminal procedures that do not focus on the child victim; care for children victims of trafficking who turn 18 linked to the migration procedure instead of the need for protection; administrative procedural rules based on which the judges do not take under much consideration the guardian's view, in relation to the child's best interest, during the migration procedures.

#### THE APPROPRIATENESS OF RESPONSE TO CHILDREN'S NEEDS AND RIGHTS

It seems that small scale reception facilities or foster families provide more appropriate protection to children, compared to large-scale reception facilities, where bad practices can be observed. However, the foster parents need to be trained in identifying signs of trafficking and exploitation and a higher exchange between the guardian and foster parents should take place in order to make the response towards the children more positive. Furthermore, the general psychologists need to develop a better methodology for

<sup>12</sup> This special department has moved to a location in the North of the Netherlands from the 1st of January 2013.

potential victims of trafficking in the protected shelters and more specialized professionals are needed in such facilities.

It should be mentioned that there are also other situations that lower the appropriateness of the protection system response to children such as the change of guardians and lawyers appointed to a child; lack of a child focused regulation within the migration procedures and B9-regulation for victims of trafficking; lack of information provided to children regarding the migration procedures; lack of contact between the lawyer and the child also due to long distances; lack of preparation provided to the child for when he/she turns 18 years old; lack of suited care facility for young persons who have turned 18, regardless of their possession of a B9 residence permit.

#### THE COMPLIANCE WITH CRC

The fact that a guardian is immediately appointed to an identified separated child, is in accordance with article 20 of the CRC. On the other hand though, article 2 and 22 is not actually implemented, as separated children do not appear to be protected in the same manner as Dutch children. Furthermore, the disappearance of separated children is treated differently from that of Dutch children, constituting these practices and policies not in line with the non discrimination principle (article 2 CRC), the right to development (article 6 CRC) and the obligation to take all appropriate measures against trafficking (article 35 CRC).

It is important to stress out that the current B9 residence permit regulation is not in line with the obligation of the State to take all appropriate measures for promoting the recovery and reintegration of a child victim (article 39 CRC), as it seems to have been developed for adults.

The compliance with the CRC is violated within the large scale facilities, in a number of different points, as such a placement of separated children seems not to be in their best interest and threatens their right to survival and development (article 6 CRC); guardians and social workers are in cases not able to provide appropriate direction and guidance to the children (article 5 CRC), who might for instance reside in a campus; sufficient information about migration procedures and future perspectives is not provided to children (article 12 and 13 CRC); and children –either separated or victims of trafficking and exploitation- do not seem to receive the special protection and assistance they are entitled to (article 20 and 34 CRC).

#### THE EFFECTIVENESS IN PROTECTING CHILDREN FROM TRAFFICKING AND EXPLOITATION

The effectiveness of the protection system was found difficult to be evaluated due to the low inflow numbers and not knowing what happens to children after they turn 18, as their tracks are lost.

However, it is clear that the interviewees consider the special department of Nidos at Schiphol airport, which is in charge of identifying victims of trafficking, as well as the protected shelters, to be effective parts of the system.

Contrary to the latter, in the large-scale facilities (POL location and Campus) the children seem to be exposed to a high number of risks, but at the same time low level of protection; the system does not appear to have the

possibility to protect the children from harm, trafficking and exploitation, as there is a high number of children disappearing and children developing emotional and mental health problems.

In general, the effectiveness of the protection system can be questioned, as a lot of risk factors for children are linked to the lack of a residence permit as well as the lack of provision of information, support and care after the child turns 18.

### B.3.3 Results of narrative sessions with children

| Table 7 – Narrative sessions in the Netherlands |

Population	1	2	3	4	5	6
Victim of trafficking	x					
Living at a foster family	x	x	x	-	-	-
Former separated child without a residence permit	x	-	-	-	-	-

x = additional narrative session

\*The terms CHILDiN and CHILDoUT were not used by the team of DCI - ECPAT the Netherlands.

## SURVIVAL

### 01 NUTRITION/FOOD

In general the basic need for food is considered to be fulfilled, appreciated and mostly stable. The appropriateness could be enhanced though, by providing more supervision with regard to buying and cooking of food.

### 02 HOME

In the Netherlands identified separated children are taken care of in specific reception facilities. The appreciation and the appropriateness of the response of the system highly depend on the type of care facility. As for the stability of the response it is unfortunately not obtained since transfers from one place to another are part of the daily reality of separated children in the Netherlands.

### 03 HEALTH

Although children's need for health care is satisfied, the right to the highest attainable standard of health is not. Children's health is strongly connected to the type of facility where they reside and it has been observed that staying in a large-scale campus can deteriorate children's health and puts their mental health in jeopardy, contrary to the children staying at foster parents, whose health seems to be improving the longer they stay in the country.

## DEVELOPMENT

### 04 EDUCATION/LEARNING

In general, all children have the possibility to go to school although some of them, especially the children residing in campus locations and children who are not in the possession of a residence permit, struggle with it. The researchers conclude that school might be a risk factor if the children are not supported to attend classes, as they put themselves in an even more vulnerable

position, when they abscond from school and end up just wandering around.

05 WORK

The researchers did not speak with a separated child who was working. Volunteer work especially during summer recess would be recommended to avoid boredom. Boredom, negative thoughts and drinking makes children very vulnerable for trafficking and exploitation and are risk factors.

06 MONEY

In general the weekly allowance seems to be sufficient for the children to buy food, clothes, and other basic necessities but it is worrisome that in large-scale facilities children are given high fines for various reasons such as not wanting to clean their room.

07 FAMILY OF ORIGIN

It seems that contact with the family can be very devastating, especially when they were involved in the trafficking and exploitation of the child. The family of origin can be a risk factor, either for being part in the trafficking and exploitation of the child or due to the fact that the children are very worried about their family, which causes them mental health issues.

08 FRIENDS

All children have friends of different nationalities, even Dutch. Keeping in touch with friends, who returned to their country of origin can be very hard to deal with, especially when these friends end up in dangerous situations or even lose their life. Some children would like to have friends who do not have to worry about a residence permit, since not having a residence permit can increase negative activities such as drinking alcohol and using drugs,

09 PLAY/AMUSEMENT

In general more efforts should be made to guarantee play and amusement for children, as such activities bring more happiness and satisfaction in the lives of separated children, while on the other hand boredom seems to be an important factor that generates negativity and may lead to youth offending.

10 RELATION WITH OPPOSITE SEX/SEXUALITY

Sex and sexuality are difficult topics to discuss, especially for adolescent boys. However, some of the boys did open up and spoke about having a Dutch girlfriend as well as the struggles that they experience regarding this relationship and their religion, and the approval of the family of either the boy or the girl.

## PROTECTION

11 RISKS

In large-scale facilities children's mental health is affected and their stay there makes them also vulnerable to drinking, smoking and using drugs. Compared to small-scale facilities, the chances of being exploited are currently higher at the large-scale facilities, as children become more vulnerable in that setting.

12 RELATION WITH ADULTS

Trust is an important issue brought up by children. The changing of guardians and mentors does not help the children establish a relationship of trust with an adult.

13 JOURNEY

Most children had survived a dangerous journey before they entered the Netherlands. This had an impact on their feeling of safety and their relationships with adults.

## PARTICIPATION

14 DOCUMENTS/CITIZENSHIP

Not having a residence permit makes the children feel they do not have a future perspective as they are left in uncertainty for months or even years before they receive the final decision in their migration procedure. This situation highly influences their mental health. In addition, all support stops once the child turns 18.

15 LIFE PROJECTS

Children did not seem to have any Life Projects or an idea what was going to happen when they would turn 18. The children do not have unrealistic dreams for the future but due to the lack of a residence permit their future perspective is very uncertain.

16 SPIRITUALITY

There are signs that the children cannot practice their religion according to their wishes, due to practical limitations such as the lack of a Mosque in the area the child resides.

## B.4 CYPRUS

### B.4.1 Legal Framework and main gaps of the national protection system

The UN Convention on the Rights of a Child was ratified in February 1991 and integrated as Law N. 243(II) of 1990, which was later amended by Law N. 5(III) of 2000. In addition, the Hague Convention on Protection of Children and Co-Operation was adopted through Law 19(I)/1995 in respect of Inter-country Adoptions and the European Convention on the Exercise of Children's Rights was ratified in October 2005 and was integrated as Law N. 23(III) of 2005. These laws, ratified by the Republic of Cyprus, constitute international instruments that have been incorporated as Laws by the country.

Furthermore, Cyprus, constitutes a party to the Council of Europe Convention on Action against Trafficking in Human Beings, as well as the International Convention for the Suppression of Trafficking in Women and Children (1983 ratification law); the Council of Europe Convention on Cybercrime (2004 ratification law); the UN Convention against Organised Crime and its Protocols (2003 ratification law); as well as the UN Convention on the Rights of the Child and Optional Protocol on the Sale of Children, Child

Prostitution and Child Pornography (2006 ratification law). Moreover, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) as well as the “case law” of the European Court of Human Rights (ECHR) are legally binding in Cyprus and the constitution includes indistinguishable provisions as those included in the European Convention on Human Rights (GRETA 2011).

## MIGRATION

Treaties and Conventions that have been ratified by the Republic of Cyprus have superior force to any domestic law. In order to safeguard the welfare, care and protection of children, the chapter on the Protection of Children within the new draft Law for the Welfare, Care and Protection of Children is ready for legal vetting. The other chapters of the draft Law along with the relevant regulations concerning standards of operation of Child and Adolescent Homes are expected to be ready for legal vetting within 2012. This new draft Law conforms fully with the principles and provisions of both the UN Convention on the Rights of the Child and the European Convention on the Exercise of Children’s Rights.

The current legal structure of the country in terms of separated children is based on the Laws on Refugees from 2000 to 2004, with the last amendment carried out by Law 241(I) of 2004). Regarding the detention of asylum seekers and refugees, explicit provisions are limited to the Conclusions of the Executive Committee of the Programme of the UN High Commissioner on Refugees, who has also commended the alignment of the Refugee Law with the international obligations of the country as well as with the asylum Directives of the European Union in matters related to children refugees or asylum seekers. However, the Cypriot authorities are not able to effectively transcribe and integrate international legislation into national law and as a result the latter presents numerous gaps due to the fragmentation that the international legislation has gone under and even its parts that have eventually been incorporated, are found difficult to be implemented.

The Laws on Refugees and Asylum Seekers also make detailed provisions for the protection of separated children, according to which (article 10) as soon as a minor applies for asylum, specific procedures should be put into place so that the Director of Social Welfare Services is immediately notified in order to act as a guardian and make sure that the best interest of the child is always taken into consideration, including matters related to adequate and suitable accommodation; siblings not being separated; accommodation changes to be kept to a minimum; specific needs of vulnerable children to be taken under consideration; and provision of rehabilitation services, psychological and/or medical care and specialised treatment along with any other necessary assistance to children victims of any type of abuse, negligence, exploitation.

Following the guidelines set in the Council Directive 2003/9/EC of January 2003 (EU & CEU), the Commissioner of the Rights of the Child operates as the legal representative for all the “unaccompanied minors asylum seekers” (UMAS), despite the fact that the Social Welfare Office constitutes their legal guardian. Despite the efforts made by the Commissioner for Children’s Rights to undertake separated children’s legal representation during their asylum application, since 2009 these children have been left without such representation and their asylum applications are not examined. Furthermore, the Commissioner is alarmed by the facts that asylum seeking children remain

exposed to deportation, they lack a legal status once their asylum claim gets through to the level of the Supreme Court, remaining without support, and that flaws in the immigration policy work against children's best interest.

Furthermore, there seem to be many gaps in the national protection system as even though separated children are entitled to health care it appears that this right is not respected (IOM, 2011); there are neither any legislative provisions for the integration of minors, apart from the refugees, nor any specific provisions regarding the identification of a durable solution, return, repatriation and integration (Alikhan, S. and Floor, M., 2007); professionals are often not clear about relevant national legislation, they usually lack the necessary authority for decision making and/or expertise and they do not challenge the system; there is no documentation of statistics; children fall through bureaucratic ambiguities due to administrative fragmentation; interorganisational difficulties do not allow the effective collaboration among organizations; there is no consensus on standards or a common approach to age assessment and the specialised care provided to children needs to be improved.

#### TRAFFICKING AND EXPLOITATION

In general, the issue of separated children was not one of the issues that ranked very high in the governmental agenda. With respect to this issue though, the government of the country had originally passed a Law on the Trafficking of Children and their protection by the State (Law No 3(I)/2000) in order to counter this phenomenon and took measures for the psychological support of the children victims.

The current legal structure to avert trafficking in human beings, to protect and provide support for its victims, and to criminalise and prosecute those performing the act of trafficking, is presented in Law 87(I)/2007 on Combating Trafficking and Exploitation of Persons and Protecting Victims, which was an effort to harmonise the domestic legislation with the *acquis communautaire* as well as with the relevant International Conventions. The aspirations of the governmental authorities in relation to Law 87(I)/2007 are the penalisation of trafficking, exploitation and child pornography; introduction of labour exploitation as an offence; the development of a monitoring mechanism and the establishment of measures for the protection and support of victims, such as the legal right to protection by the police, the provision of accommodation, medical and psychiatric care, legal and financial aid, free interpretation, and access to integration programmes and professional training courses. Furthermore, the national legal framework regarding trafficking also comprises of specific provisions of the Criminal Code (Chapter 154).

In the case of Cyprus, trafficking in human beings for labour exploitation constitutes a new offence but also a novel concept, as till 2007 no such cases had emerged through the official statistics. However, that does not mean that this phenomenon appeared only recently or has a very limited extent but rather that there is a lack of official interest towards it as well as lack of public awareness.

An amendment of the Protection of Young Persons at Work Law (L.48(I)/2001) is in the final stage, to safeguard the protection of children from economic exploitation as well as other risks.

## GUARDIANSHIP SYSTEM

There is no specific legislative framework for guardianship in Cyprus and anything related is included in the Laws on Refugees 2000-2004.

When a separated child is identified, in spite of the age assessment, the Director of Social Welfare Services is directly informed and acts as the official guardian of the separated minor - being informed with respect to all actions taken in relation to the child, having a consultative role but also bearing the responsibility to offer to the child all the essential and protective measures. The guardians that will be finally appointed to the children are all social workers and psychologists from the Department of Social Welfare Services. In keeping with the best interest policy, the Social Welfare Services are obliged to perform an individual assessment on every decision taken and is related to separated minors and each decision should be properly justified.

The duties of the guardian guarantee that the child's best interests and concerns are taken under principal consideration for every decision made and that the child has access to care, accommodation, education and language support, legal representation and support during any protection procedures. Furthermore, the guardian is obliged to work with the child in an effort to trace the child's family, also aspiring for possible family reunification; assist the child in keeping in touch with his/her family; offer a connection and guarantee transparency and cooperation between the child and the different organisations, who make services available to them.

It was not possible to identify a working manual that could describe methodology and tools neither for social workers nor for guardians of children victims of trafficking and exploitation. Nevertheless, based on the Law No. 3(1) of 2000, in such cases the guardian is responsible for taking all steps necessary for the investigation of the child's complaint and prosecution of the offender; supporting the child victim; caring through the appropriate authorities for the child's treatment and safe residence; aiming at the integration or repatriation of the victim and recommending amendments related to legislative deficiencies<sup>13</sup>.

### B.4.2 Results of field research with professionals

| Table 8 – Adult Study Population in Cyprus |

Population	1	2	3	4	5	6
Guardians	-	-	-	-	-	
SOCW	x	x	x	x	x	x
GOV	x	x	x	-		
ORG	x	-	-	-		

x = additional interviews

\*For acronyms see Table 1, p19

<sup>13</sup> House of Representatives, 'Combating of Trafficking in Persons and Sexual Exploitation of Children Law of 2000-Law No.3(1) of 2000, Providing for the Special Protection of Persons Being Victims of Sexual Exploitation and for Related Matters', House of Representatives Cyprus, (2000), p.21., accessed at [http://www.childtrafficking.com/Docs/europol\\_05\\_leg\\_tra\\_human\\_0408.pdf](http://www.childtrafficking.com/Docs/europol_05_leg_tra_human_0408.pdf) on 12 November 2012.

## THE LEVEL OF INCLUSION/EXCLUSION

The guardianship system in Cyprus offers immediate protection and security since a child applies for asylum. However, there are major reservations as to what happens with the children who do not apply for asylum.

Even though, separated children do not have the opportunity to participate at school unless they know how to speak Greek, just being able to go to school and interact with other children is considered a very important gateway that creates stability and normality in a child's daily life. Despite its significance though, the inclusion of separated children in education is not being designed strategically. In addition, another important factor that facilitates children's inclusion in the national protection system is the involvement of NGOs and civil society and the support they provide, as it is clear that the state cannot cover all the required needs separated children might have.

On the other hand, there are numerous factors that constitute barriers in the inclusion of separated children such as the inability of the Social Welfare Services to keep up with the constantly changing settings and therefore predict the demand on their services and respond appropriately to children's needs and rights; the high numbers of separated children stretching the already scarce resources; the wide range of children's cultural and linguistic needs; lack of proper procedures and practices for age or needs assessment; children's ignorance of their age, dropping out of school or moving out of the guardianship system's protection; lack of counselling support and integrative programmes; lack of public awareness on discrimination and diversity issues.

## THE APPROPRIATENESS OF RESPONSE TO CHILDREN'S NEEDS AND RIGHTS

Although Cyprus seems to have an established legislative framework for the guardianship of separated children, in practice the children's needs and rights are covered at a very low level as the system offers only residential accommodation, food and compulsory schooling but in a language the children do not understand.

It should be highlighted that some of the interviewees commented on the lack of humanism and respect on the government's part towards separated children; lack of coordination among all actors; need for further improvement and inclusion of roles and responsibilities within various agencies as well as development of concrete efforts to develop and use context-specific guidelines and tools collaboratively between state organisations and NGOs. In any case, it is believed that separated children should be treated individually with efforts directed in understanding the specific conditions they experience at any given time.

## THE COMPLIANCE WITH THE CRC

Asylum and immigration legislation is regularly reviewed, redrafted and re-introduced in Cyprus under the EU harmonization process. Despite this obviously constant introduction of legislation, there is not yet a specific legislation aimed particularly at separated children. In all instances the existing laws for responding to the welfare needs of separated children are placed under existing mainstream immigration and childcare laws and poli-

cies. This practice secures that, at least in theory, separated children should be able to access the same quality of service provision as citizen children without discrimination, but on the other hand some of the children’s needs may be neglected.

Almost all interviewees, who are employed by the Government of the Republic of Cyprus, stated that the legislation framework of Cyprus regarding separated children’s needs and rights is completely compliant with the International standards and the CRC.

Policies and legislative frameworks do exist in the Cypriot system for the protection of separated children even though not as advanced as in other EU countries. However, the important issue is the State’s own inability to implement the legislation and thus be in accordance with international standards and CRC. The setback is the reluctance shown from governmental officials to interpret the law beyond the strict text and the inter-organisational problems between state departments.

#### THE EFFECTIVENESS IN PROTECTING CHILDREN FROM TRAFFICKING AND EXPLOITATION

The part of the system that appears to function more effectively is the timely appointment of a guardian, through the Social Welfare Service, to an identified separated minor. However, regarding the children’s protection from trafficking and exploitation, the guardianship system is considered ineffective and inadequate by certain interviewees.

In general, the national protection system does not appear to be very effective, as the State does not appear to be greatly involved and working towards establishing more provisions for these children’s needs. The non existence of a special Body, responsible for these children, and the numerous gaps in legislation seem to leave separated children unprotected. Furthermore the role and standing of the guardians is not very clear, as the Social Welfare Service officers, undertaking the role of a guardian, do not know how they are expected to make decisions solely in the best interest of the child and whether they have any legal authority to challenge the courts and other decision makers.

### B.4.3 Results of narrative sessions with children

| Table 9 - Narrative sessions in Cyprus |

Population	1	2	3	4	5	6
CHILD in	-	-	-	-	-	-
CHILD out (ex-separated children)	x	x	x	x	-	-

x = additional narrative sessions  
\*For acronyms see Table 1, p19

## SURVIVAL

### 01 NUTRITION/FOOD

There was food offered for the children while they lived in the shelters. However, the type of the food provided was not decided upon any cultural,

dietary or religious needs of children. Thus the children ate in order to survive regardless of whether they liked it or not.

02 HOME

The interviewed children did not have good memories from their time at the shelters. They just used the home as a secure space, where they could eat and sleep.

03 HEALTH

Children's health needs were covered in full and the children knew how and from whom to ask for help, when there was such a need.

## DEVELOPMENT

04 EDUCATION/LEARNING

The school is used as an inclusion attempt immediately after the children enter a shelter. The interviewed children referred to their time at school as a good memory and seemed to understand why it was important for them to go to school. In addition, good relationships are built with teachers and peers and there is the opportunity to make friends.

05 WORK

While under the State's guardianship, the children cannot work but they do not seem to have any guidance or counselling regarding work training either. Some children are looking forward to the prospect of working and earning their own money, once they are out of the protection system.

06 MONEY

All children under guardianship receive a small allowance from the Social Welfare Service and once they are out of the system, they receive a public benefit in order to sustain themselves.

07 FAMILY OF ORIGIN

Apparently, children are not encouraged or supported to contact their families. Therefore, any attempt towards that direction, takes place only due to the child's own efforts.

08 FRIENDS

Not all children found it easy to make new friends, while in Cyprus, and even the ones who did, mainly established relationships with other children from their own country of origin. It seems that there is no effort by the system to encourage or support new friendships.

09 PLAY/AMUSEMENT

Children have quite a few opportunities to express themselves through play and amusement and appear to be quite mature in order to comprehend possible risks of certain activities.

10 RELATION WITH OPPOSITE SEX/SEXUALITY

There is not much information provided to children regarding issues that the

sexual contact with another person may entail, such as the dangers of sexually transmitted diseases and the possibility of a pregnancy.

## PROTECTION

### 11 RISKS

Children had difficult experiences prior to their arrival in Cyprus and while they are in the country. These experiences have made them more mature and able to recognize risks as well as dangerous situations.

### 12 RELATIONSHIP WITH ADULTS

Children interviewed had experienced difficult times and one of their major problems in the present is that they are unable to establish healthy relations with adults, apart from people who come from their country of origin, due to mistrust and fear.

### 13 JOURNEY

Most children had either a rough time till they arrived in Cyprus or were misled. However, they now seem to have ceased their journey as they have found shelter and feel safe in Cyprus.

## PARTICIPATION

### 14 DOCUMENTS/CITIZENSHIP

Separated children are aware of the required procedure in order to ensure legal residency but eventually they seem to end up without any citizenship rights. Even though they are protected by the State, in terms of securing food, accommodation and education, they are not able to have the freedom of citizenship.

### 15 LIFE PROJECTS

The children do not seem able to plan ahead and position their lives in a certain future context. They stress out about the future, because they do not have a residence permit. Some of them plan to simply finish the school and then get a job, while in the case of some girls who had given birth to a baby, they have radically changed the way they experience their life and the plans of what they can do in the future.

### 16 SPIRITUALITY

Religion and worship has been important in the children's country of origin and consequently in their lives. It was positive to observe that they felt free at all times to express their religion in Cyprus, either on their own or with other people.

## B.5 COMPARATIVE STUDY

### B.5.1 Legal Framework and main gaps of the 4 national protection systems

All of partner countries involved in this project have signed and ratified a number of fundamental international treaties, including the Convention

on the Rights of Children; CRC Optional Protocol on the involvement of children in armed conflicts; CRC Optional Protocol on the sale of children, child prostitution and child pornography; Convention against transnational organised crime; Convention on the Protection of Human Rights and Fundamental Freedoms; Protocol to prevent, suppress and punish trafficking in person, especially women and children and ILO Convention no.182 on the worst forms of child labour. Therefore all four countries share a common foundation on issues of separated children as well as child trafficking and exploitation. However, the level of the incorporation into national legislation and the implementation of the international legislation differ among the national protection systems.

Specifically regarding the provisions set by the Convention on the Rights of Children, Greece, Italy and Cyprus have fully accepted them and recognise that they have precedence over all other national legislation. On the other hand, the Netherlands have noted certain reservations upon the ratification of the Convention. However, article 2 of the CRC is accepted by all four States Parties and therefore they all share, at a legislative level, the understanding that the protection of children's rights do not depend on the nationality or ethnic origin of the children and that there should not be any distinguish between nationals and alien children, regardless of whether they reside legally or illegally in the country.

## MIGRATION

Even though having a common basis on international legislation, the four countries have developed their own legislative framework at a different timing and they all face a variety of gaps and difficulties in the protection of separated children. Therefore, Greece has relatively recently started to take some legislative actions in order to cover further matters related to the protection of separated children, as for years the main focus had been the asylum issue, while Italy has no unitary legislation framework on the asylum system, which is mostly based on EU regulations and on a number of provisions implementing EU directives.

It is quite important to mention that in Italy and the Netherlands there has been provision of a residence permit, for separated children non-asylum seekers, on the grounds of their minority. Unfortunately, in the Netherlands, there is high possibility that this provision will cease at the beginning of 2013. As for Greece and Cyprus, even though a separated child non-asylum seeker might be granted with a residence permit on humanitarian grounds or when specific conditions are met, it does not seem that such a protection measure is offered just due to the child's minority, leaving a large number of children unprotected and exposed to the risks of trafficking and exploitation.

All partner countries have specific legislation defining the criteria for issuing a residence permit to a child and even though different types of residence permits can be met across the countries, it seems that the Netherlands, compared to the others, presents more variation. However, there is only a small number of children, who eventually receive a residence permit and it is anticipated that according to the announcement by the Dutch Minister of Immigration, Integration and Asylum in June 2012, children will very soon not have the opportunity anymore to receive a residence permit on the grounds of being a separated child. Needless to say that there are problems,

different but at the same time of the same nature, in the other countries and the numbers of children being granted a residence permit are generally low as well. Worryingly enough, in Cyprus, since 2009, these children have been left without legal representation and their asylum applications are not examined, obviously leading to a number of issues. Furthermore, since the same year the Italian immigration legislative framework has changed and foresees provisions which actually make it more difficult to obtain and maintain a legal immigration status, not only by considerably limiting access to a wide range of fundamental rights for children but also by having a harmful impact on their rights and welfare.

On the other hand, certain legislative changes are taking place in some countries but it remains to be seen, whether those changes and their implementation will practically improve the situation for the children or not.

In general it emerged that in most countries (Greece, Italy, Cyprus) the relevant international legislation has been fragmented and scattered, throughout a large number of laws, government decrees, ministerial directives and circulars lacking coordination and organization and there are no comprehensive guidelines for their standardized implementation, often resulting in different interpretations of the rules and in the extreme heterogeneity of the practices and procedures.

In addition, Italy and the Netherlands raised their concerns regarding the fact that the foreseen protection measures apply to children only till they reach the age of 18. The fact that this issue has not emerged in the Greek and Cypriot context, does not necessarily mean that the problem is solved in those countries but maybe that there are more fundamental issues to be dealt with, resulting in the neglect of this equally serious matter.

#### TRAFFICKING AND EXPLOITATION

Unfortunately, it is apparent that there are still gaps on a national level regarding legislation against child trafficking and exploitation as well as specific protection for the children victims of such phenomena. In certain cases, there are no legislative provisions related to certain parts of the international law such as child trafficking or sale of children, but even when there are provisions foreseen, they usually focus more on the criminal proceedings, which are not victim-centred enough, rather than on the protection of the children. Furthermore, in the cases where the countries provide for the protection of children, through the issuance of a residence permit and/or the coverage or other needs as well, this support is not appropriately and effectively implemented due to the numerous gaps in the national protection system.

As concerns the issuance of a residence permit, in the Netherlands this is possible but only for victims of trafficking who report the crime and cooperate with the authorities. In Greece this was also the case but only till 2010, when a new law foresaw the provision of a residence permit on humanitarian grounds regardless of whether the victim cooperates with the authorities or not.

Similarly to Greece, in Italy a part of the Immigration Act also provides for the issuance of a special residence permit on humanitarian grounds, that is not based on a rewarding scheme, constituting a best practice for the protection of victims of trafficking.

Apart from the above mentioned issues, which are quite fundamental for the protection of children victims of trafficking and exploitation, there is a number of other factors that facilitate or not the implementation of the protective measures, such as the city or region where the child resides, the competence of the professionals involved, the level of collaboration and coordination among actors, the public awareness, the existence of a monitoring system, adequate and appropriate care structures, as well as guarantee of provisions to which children are or should be entitled to (e.g. reflection period).

#### GUARDIANSHIP SYSTEM

Even though it could easily be taken for granted that all countries would have already established a specific legislation framework for guardianship, in reality this is not happening, as in a few cases, the relevant legislation derives from the National Migration Law.

In any case though, all of the countries were found to have at least established policies and procedures for the appointment of a guardian, based on which a certain body is temporarily in charge of the full or a pre-guardianship of an identified minor. However, as expected, there are many gaps identified, which ultimately may constitute an impediment to children's protection. Some of these gaps may refer to the incapability of the temporary guardian to establish a trustful relationship with the child or of the responsible service to appoint a permanent guardian (Greece). Other types of obvious gaps could be the lack of common and shared procedures, practices and timeframe for the appointment of the guardian (Italy) and the low quality of support provided in many cases by the guardianship authority (the Netherlands and Cyprus).

As a result, the guardianship system is considered by most countries problematic due to the lack of national guidelines, standardised data collection systems, procedures and practices, methodology, tools and professionals' competences (Italy, Cyprus) or to the introduction of a new revised policy that eventually violates parts of international legislation (the Netherlands). In the case of Greece, the guardianship system is found to be completely ineffective due to the numerous legislative gaps, among which are the lack of guardians and of specific regulations related to their appointment and duties, the ambiguous regulations which leave space for personal interpretation as well as the lack of data collection and monitoring system.

In almost each country a guardian's duties includes the responsibility for the child's upbringing, development, welfare, education, contact with the family of origin, legal and administrative representation, and in general the guarantee that the child's best interests and concerns are taken under principal consideration for every decision made. In certain countries, the guardian maintains mainly a role similar to a case manager, by being in contact with all professionals involved in the child's life and outsourcing the daily care to third parties.

### **B.5.2 Results of field research with professionals**

#### THE LEVEL OF INCLUSION/EXCLUSION

All countries agree that in general, their national protection system does not facilitate children's inclusion at all or at least at a high level. Primary factor

for the children's exclusion seems to be the national legislative framework, which presents many gaps, has a problematic implementation and lacks in policies and procedures (age and need's assessment, administrative and criminal procedures focusing on children, appointment of guardian, referral system, etc) of a different kind and at a different level for each country. More specifically, in Greece the procedures related to the appointment of a guardian are very poor and the lack of guardians considerable. In Italy things appear to function better but based on heterogeneous practices, level of competences and timeframe. Finally in Cyprus and the Netherlands, the situation is completely different, as a guardian is immediately appointed to an unidentified separated child.

It should also be highlighted that in all four countries there is lack of provisions foreseen for children, after they become 18 years old. In addition, it has also emerged from research and it cannot be disregarded that children have an active role as well in their exclusion from the system by deciding, regardless of the reasons, to not declare their minority, to abscond from an accommodation facility or drop out of school.

In addition, there seem to be another large number of factors that contribute to children's exclusion such as lack of financial resources or incorrect distribution of resources; training of professionals involved in this field; collaboration and coordination among services' providers. For most of the countries involved in GATE (Italy, the Netherlands and Cyprus) it was quite clear that there is a lack or heterogeneous level of supportive services for children, that could provide them with clear future prospects, which are in turn interrelated with their inclusion and integration; for some of them there appears to be a lack (Greece) or low quality (the Netherlands) of certain accommodation facilities; for some others (Greece and Cyprus) there are major concerns as to what happens with the children who do not apply for asylum; and for the Netherlands specifically, the fact that the entitled reflection period is not actually provided to children-victims of trafficking, consists a serious issue.

Despite all the above mentioned exclusion factors, there are also some factors that were considered to facilitate children's inclusion. Therefore, the pre-guardianship institution (the Netherlands), the immediate protection offered to children-asylum seekers (Cyprus), the willingness of NGO professionals to support separated children (Greece) and the availability of cultural mediation (Italy) constitute factors of children's inclusion in the national protection systems.

#### THE APPROPRIATENESS OF RESPONSE TO CHILDREN'S NEEDS AND RIGHTS

Even though for some countries, the level of appropriateness of the national system response was difficult to be assessed, overall it was considered not appropriate by all four countries. It was commonly agreed that there are gaps in legislation, lack of policies, procedures, specific guidelines, methodology and tools, which have a negative impact on the level of the appropriateness towards separated children. As a result, the protection system responds only to children's basic needs and neglects other needs and rights equally important, thus not taking much consideration of children's individuality, personal history and background.

Furthermore, it emerges that all professionals involved with separated children need to receive more specialised training on a more regular basis, in order to update the existing knowledge and develop their skills when working with children so that they can support them appropriately at every phase of their stay in the country.

Finally, other factors were identified as having an impact on the appropriateness of a country's protection system, such as the lack of appropriate accommodation facilities and low number of professionals involved in the field (Greece); lack of coordination among all actors (Cyprus); regular changes of guardians and lawyers appointed to a child and lack of suitable care facilities for young persons who have turned 18 (the Netherlands). At the same time it emerged that the level of appropriateness also depends on the local context (Italy).

#### THE COMPLIANCE WITH THE CRC

For some countries (Greece, Italy), there is compliance of the national protection system with the CRC, but only on a formal and theoretical level, as in practice the situation is more contradictory due to the several limitations and flaws, which hinder the correct implementation of the legislation. On the other hand, the other countries (the Netherlands, Cyprus) identify practical compliance with the CRC, as regards the guardianship system and the immediate appointment of a guardian to a child.

However, all countries agree that there is a large number of gaps in their national legislation, constituting the general compliance of their system with the CRC a difficult task. These gaps usually concern the lack of specific legislation on child trafficking and exploitation; lack of clear regulations, adequate and shared procedures, which lead to the heterogeneous implementation of national and international standards; and contradiction between child protection and immigration law.

Apart from the legislative limitations though, there are also other factors that contribute to a non compliance with the CRC system. Therefore, the lack of regular training and supervision for professionals, may lead to defective knowledge of children's rights and needs and consequently to a low quality service provided. Moreover, when this professional unawareness is added to the lack of methodology and tools as well as the lack of collaboration and coordination, then it cannot be expected that the level of children's protection will be compliant with the one described by the CRC.

In addition, compliance depends on other factors as well, such as the often limited financial resources available for the provision of services towards children but also the existence or not of effective local and national monitoring mechanisms. Since the aforementioned factors, are usually restrained or do not function properly, it is quite common that large-scale facilities have a negative impact to children and often threatens their physical and mental health

#### THE EFFECTIVENESS IN PROTECTING CHILDREN FROM TRAFFICKING AND EXPLOITATION

Certain countries found it difficult to assess how effective is the response of their national protection system towards children, as it depends on a multiple set of local factors along with the child's nationality, age, gender and

social network (Italy) or simply because it is not known to them what happens to children after they turn 18 (the Netherlands).

At the same time, some countries find parts of their protection system effective, such as a special department responsible for identifying victims of trafficking and the protected shelters (the Netherlands) or the timely response to children by the national guardianship authority, when it comes to the timely appointment of a guardian (Cyprus).

Apart from some specific positive views, in general, the national protection systems have been characterised to be overall ineffective. The reasons for the poor level of effectiveness are mostly the same that have a negative impact on the level of inclusion, appropriateness and compliance with the CRC. Therefore, the inadequate legislation and economic resources, the unclear and non-standardised regulations and procedures, the inadequate or non-existent assessment, collection data and monitoring system, but also the non-existence - in certain cases - of a special appointed Body coordinating all actions for children on a national level, can primarily be blamed for the poor performance of the system.

Furthermore, when the foundation is problematic, then usually further deficiencies are created and established, which eventually, when added to the original inadequate foundation, lead to a poor protection system. Some of the many factors that derive but also add up to a deficient legislative basis are related to the lack of viable work opportunities, training and supervision of all professionals involved in separated children's life. Training is necessary for updating their knowledge and developing their competences in order for them to appropriately and effectively respond to children's needs and rights at all phases of their stay in the country.

The above factors have been stressed out mainly by Greece and Italy, while the other countries seem to have focused more on the lack of a residence permit, information and care provided to children that reach the age of majority (the Netherlands) as well as the legislation gaps and clarification of the guardians role and responsibilities (Cyprus).

### B.5.3 Results of narrative sessions with children

#### SURVIVAL

##### 01 NUTRITION/FOOD

With regard to this basic need, the system response seems to be assured and stable but in most cases not appropriate (Italy, the Netherlands, Cyprus) as the type of food provided is not usually in accordance with children's cultural and religious needs. Therefore, some of the children accept the food provided, even though it brings not much satisfaction to them. In the case of Greece, there is a distinction between the CHILDiN and CHILDoUT group, as for the latter the need for food is not appropriately, usually not even at all, covered, meaning that a number of minors, who are not placed in an accommodation centre, are left hungry and unprotected

##### 02 HOME

Regarding the provision of accommodation, the response seems to be assured for children but the level of appreciation and appropriateness was

difficult to be assessed because overall the children, who have bad experiences from their journeys, are grateful to have a safe place to live (Greece, Italy), and many of them see it as a temporary place to live in or as the best option they are left with and not as a “home” (Greece, Italy, Cyprus). In the case of the Netherlands, the level of appreciation and appropriateness seems to highly depend on the type of the care facility. Regarding the CHILDOut group, the response of the Italian protection system to this specific need, is less assured and stable, while in Greece the same group is not even provided with the opportunity to live in a safe and stable accommodation and consequently is left exposed to a series of dangers.

### 03 HEALTH

For most of the countries (Greece, Italy, Cyprus), the response to health care appears to be assured and appropriate – particularly in the case of Italy, when there is availability of cultural mediators – as the children residing in a care facility feel supported by the staff. On the other hand, children from the CHILDOut group in Greece and Italy do not have any support regarding their health issues, as they do not have a person to refer to for such issues and are unaware of where to seek for medical care. In the Netherlands, even though the need for health care is satisfied, the children’s right to the highest attainable standard of health is not. Moreover, it is highlighted that there is high correlation between children’s health and the type of care facility they reside in, as in large-scale facilities, children’s health tends to deteriorate.

## DEVELOPMENT

### 04 EDUCATION/LEARNING

The response to the right and need for education varies across the four countries. In Greece, not all children under care end up going to school and even the ones who do, have not clearly understood the reasons for attending classes. In Italy this need is appropriately covered but only for the CHILDIIn group, even though the type of school does not seem to facilitate children’s integration. However, what is common in both these countries is that the CHILDOut group do not have the opportunity to attend school. In the cases of the Netherlands and Cyprus, all children seem to have the possibility to go to school but in the first case the lack of a residence permit and support for attending the classes, make children struggle and in the second case the classes take place in a language, which the children do not speak.

### 05 WORK

It seems that only in Italy the response is overall assured for children from the CHILDIIn group, as for the other countries there either not enough relevant data or it is clear that the issues related to this need are not covered (Greece). Therefore in Italy, children have been supported and encouraged in discussing what they want to do when they grow older as well as the existing availability of training, while in Greece most children are not sure of what they want to do in the future and do not have any memory of being informed on vocational training possibilities. Furthermore, the same applies for the CHILDOut group in Greece, while in Italy this group wishes to receive vocational training course, even though they are not offered such an opportunity.

Apparently, there is not much support provided to children in Cyprus and in the Netherlands the children have just been given the option to volunteer work in order to avoid boredom and offending behaviours.

#### 06 MONEY

In all four countries, children are provided with an allowance, in some cases sufficient (the Netherlands) and in other not (Italy). However, in some countries, children are also issued high fines for a number of reasons (the Netherlands), which is quite worrisome, while in other cases they receive a public benefit, once they are out of the system (Cyprus).

Regarding the CHILDOut group in Greece and Italy, the situation is different as this group either works in order to earn some money, or receive some from their relatives.

#### 07 FAMILY OF ORIGIN

Contacting the family of origin, appears to be encouraged mainly in Greece and Italy, where the CHILDiN groups are supported by the care facility. However, in Italy the allowance provided to children, is not considered enough in order to facilitate a more frequent contact of the child with his/her family. On the other hand, the CHILDOut groups in both countries, has to rely only on the amount of money they earn from work or receive from relatives in order to manage to contact the family of origin.

On a different note, Cyprus and the Netherlands do not encourage such contact, consequently leaving it up to the child's own efforts. Specifically in the Netherlands, contact with the family of origin is not promoted or facilitated as it is observed and/or believed that the family can be a risk factor, either because it is involved in the trafficking and exploitation of the child or because such a contact distresses the child to the extend of causing him/her mental health issues.

#### 08 FRIENDS

The response of the system is overall lacking both in Italy and in Cyprus. In both countries no specific intervention takes place, which would encourage children to establish a friendly relationship with other peers, despite the high significance friends might have in life especially during this age. In general, the only friends that separated children seem to make are from their country of origin and interacting with children of other nationalities is scarce or ends up unsuccessfully.

In Greece things appear to be better, as the children under care appear to be encouraged by their environment to create and enjoy new friendships, even though usually children do end up with friends, with whom they share the same nationality. On the contrary, children outside the protection system, appear to have more adult than peer "friends", who constitute though, more of a safe and protective environment.

Apparently, the Netherlands offer to children the opportunity to establish friendships with children of different nationalities, including Dutch children. However, it was interesting that in that context it emerged that children would prefer friends, who already possessed a residence permit.

09 PLAY/AMUSEMENT

The need for amusement and play seems to be satisfied in Greece and Cyprus, whether children invent games on their own or are participating in more structured leisure activities. It is very important that children have the chance to spend time with friends and enjoy themselves quite frequently. However, when it comes to children out of care in Greece, even though they have the opportunity to have some fun, they are also stressed out with the fact that they need to find a job and earn money.

Regarding the other two countries, it is considered that more efforts should be made in order to guarantee leisure activities and amusement for children (the Netherlands), and that external factors, such as financial resources, should be more ensured in order to increase the quality of the leisure activities provided to children.

10 RELATIONS WITH THE OPPOSITE SEX

From the data obtained, only Greece appears to provide children with structured information on sex, its dangers and ways of protection, but only with regards to the CHILDiN group. As concerns the CHILDoU group, there is not enough information in order to draw any conclusions.

On the contrary, in Italy and Cyprus, information regarding sexuality, sexual relationships, and related dangers, does not seem to be provided to children by professionals. Any existing knowledge on these matters derives from their interaction and exchange with friends.

## PROTECTION

11 RISKS

Regarding the issue of risks, the response of the system seems to vary across countries. In Greece the response is quite appropriate, as children under care have been advised on how to act in case of a dangerous situation and in general the children feel that there are people they can trust and ask help from, either relatives or staff members from the accommodation facility they reside in. On the other hand, children out of care do not feel that they have a specific adult that they could trust and consequently turn to for such a problem.

In Cyprus it appears that children know better how to deal with possible future life risks, due to their past experiences, while in the Netherlands the exposure to risks is also related to the type of care facility that children live in.

The point, highlighted by Italy is quite interesting and important as it makes a distinction between risks that children may encounter in life and risks related to their lack of knowledge regarding children's rights, empowerment and importance of one's safe social network. In the first case, the response is assured but in the second not all the children seem to be adequately protected.

12 RELATIONSHIP WITH ADULTS

In the Netherlands, the constant change of guardians appointed to a child does not encourage children to establish a trustful relationship with adults, while in Cyprus children generally do not feel that they can trust any adults

apart from the ones coming from their country of origin.

In the case of Greece, children under care feel safe around adults and recognise some, whom they can trust and rely on. However, children out of care, seem to have a different interpretation of a trustful adult, as under that description they only refer to some countrymen, who provided them with useful information.

Quite interestingly, in Italy, regarding the CHILDiN group there is a distinction between children who could and could not count on a voluntary guardian. In the first case, children feel supported and can indicate an adult, whom they trust, while in the second case the lack of a voluntary guardian appointed to the child is compensated by the establishment of a trustful relationship with another professional involved in the child's life. Similarly to Greece, the CHILDoU group does not have the opportunity to meet such an adult, whom he/she can trust and count on.

### 13 JOURNEY

In all four countries, separated children had faced dangerous situations during their journey to the host country and in some cases even after that. Overall, the children that have arrived in Cyprus and the CHILDiN groups in Greece and Italy have decided to stop travelling and remain in the host country.

On the contrary, both in Greece and Italy, the CHILDoU groups seem to continue planning their journey to another destination.

## PARTICIPATION

### 14 DOCUMENTS/CITIZENSHIP

It appears that in all countries involved, the national system fails to protect separated children, since they might not even be informed on the procedures necessary for the issuance of a residence permit (Greece) and since feelings of uncertainty and anxiety most probably emerge due to the lack of a residence permit or the prolonged time necessary for it to be issued (Italy, the Netherlands).

What is common for all countries is that even though there is a certain level of protection, different in each case, many children are not eventually granted a residence permit, consequently being left unprotected.

### 15 LIFE PROJECTS

Most children in Cyprus and the Netherlands do not seem to have many –or even any- plans for the future, which is mainly related to the fact that they do not have a residence permit. For the ones that do, in Cyprus, a life project means graduating from school, finding a job or even resetting their plans due to being pregnant or having given birth to a baby.

In Greece and Italy, once again the situation is different, as children from the CHILDiN group receive support and encouragement by professionals - compared to the CHILDoU group that does not have any support - which allows them to make plans for the future. However, it is highlighted by Italy that the appropriateness of the system response depends on the quality and level of the support provided.

## 16 SPIRITUALITY

Apart from Cyprus, where children felt free to practise their religion, either on their own or with others, the remaining countries observed that children had difficulties in exercising the same right. In some cases, the reason behind this difficulty is not clear (Greece), while in others (Italy and the Netherlands) the obvious obstacle is the lack of religious places, where children can go and the lack of attention dedicated by professionals towards such an activity (Italy).

## B.6 THE KEY RISK/PROTECTION FACTORS IDENTIFIED IN THE FOUR COUNTRIES

This section contains the main risk/protection factors identified in Italy, Greece, The Netherlands and Cyprus through the desk and field research.

The concept of identifying risk/protection factors is pivotal to the project methodology and approach as it makes reference to circumstances which may increase/decrease the likelihood of children being exposed to trafficking and exploitation phenomena.

As already highlighted (see par. II) the approach adopted by the GATE project is systemic and holistic, in the sense that trafficking and exploitation are not considered as requiring just their own specific prevention/protection methods, but as part of the possible risks faced by children traveling across borders. Trafficking and exploitation, as risk factors, should be identified through the systematic consideration of all children's needs and rights, in relation to the context they live in, and prevented through comprehensive and rights-based policy standards and measures. It is in fact the case that, addressing trafficking and exploitation phenomena only after they have already occurred, would mean that a great number of factors that have been operating beforehand is obscured and a great number of children, who have already been or are at risk of becoming victims of such crimes, is not detected.

In this light, the risk/protection factors indicate some of the main variables that need to be understood, considered and addressed in order to improve the capacity of the context in adequately responding to all children's needs/rights and therefore effectively performing its preventive and protective functions. They are based on a theoretical perspective, according to which a variable can be addressed as a risk or as a protection factor, depending on the relationship observed between the variable itself and the targeted action (e.g. food is a protection factor when its supply is appropriate, and a risk factor when children do not eat every day; the appointment of a guardian could be a risk factor when delayed or a protective one when timely conducted).

The risk/protection factors included in Table 1 represent a summary of the factors identified in each country<sup>14</sup> and point out some of the measures, points of attention and professionals' skills which are necessary for both the effective prevention of child trafficking and exploitation and the prompt identification, assistance and protection of child (potential) victims. The various factors are grouped by taking into account the four clusters commonly used for analysing the Convention on the Rights of the Child (CRC)

<sup>14</sup> For the full description of each factor, please see the four National Reports available at: <http://www.gate-eu.org>.

provisions, that is Survival, Development, Participation and Protection. This reflects the CRC's holistic perspective of children's rights, meaning "that they are indivisible and interrelated, and that equal importance should be attached to each and every right recognized therein"<sup>15</sup>.

The assumption of this Table is therefore that prevention and protection are granted when all the measures/actions identified for each of the CRC cluster (Survival, Development, Participation, Protection) are adequately implemented.

Even though the risk/protection factors identified at national level reflect the peculiarities of each context, through evidence collected during local research activities, they also provide clear indications on what the various and interrelated dimensions are, that should be included in a systemic and child-centered approach for the prevention of child trafficking and exploitation and the protection of child (potential) victims.

---

<sup>15</sup> Committee on the Rights of the Child, General guidelines for periodic reports :20/11/1996. CRC/C/58. (Basic Reference Document), par. 9, available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.58.En](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.58.En) (accessed December 2012).

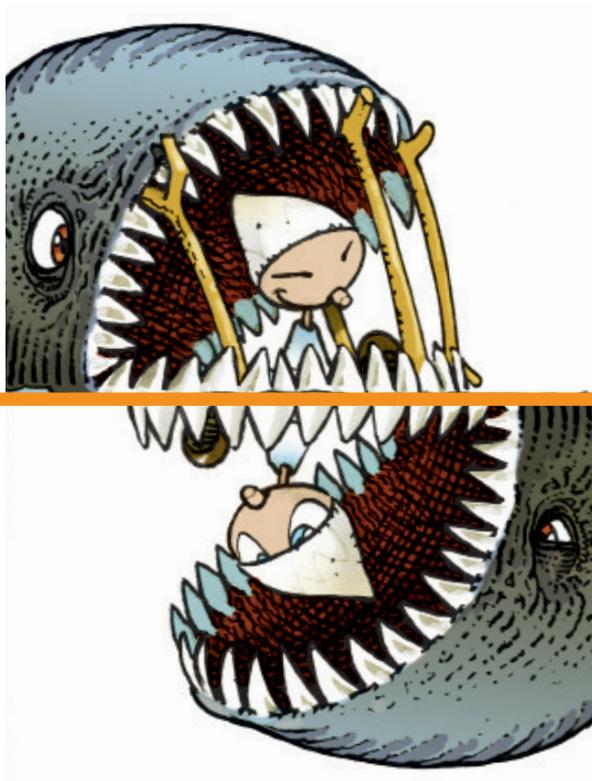
| Table 10 - Risk/Protection factors identified in the four countries |

	SURVIVAL	DEVELOPMENT	
ITALY	<ul style="list-style-type: none"> <li>• The timely, correct and competent identification and age assessment of children</li> <li>• The comprehension of every child's history, personal background, specific needs and competences</li> <li>• The standardized, competent and appropriate placement, including in low-threshold drop-in centers and foster families</li> <li>• Access to competent health care services, including psychosocial and psychiatric services</li> </ul>	<ul style="list-style-type: none"> <li>• The elaboration of a definite and individualized project of integration</li> <li>• The support in establishing/ maintaining positive relationships with families and other social relationships with adults and peers</li> <li>• The accompaniment to adult age and the support after the majority age</li> </ul>	
GREECE	<ul style="list-style-type: none"> <li>• The timely, correct identification and age assessment of the minors, with a child centred approach</li> <li>• The comprehension, respect and acceptance of the child's history and background and consideration of these factors when assessing his/her needs</li> <li>• The application of the guardianship system or the adequate application of it and the enhancement of the foster care institution</li> <li>• The timely, competent and appropriate placement of the child in an accommodation centre</li> <li>• The timely access to competent health care services</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitating access to education and encouraging children to attend school</li> <li>• Encouraging and supporting children to maintain relationship with family as well as creating new relationships both with peers and adults in their new setting</li> </ul>	
THE NETHERLANDS	<ul style="list-style-type: none"> <li>• The timely and correct identification of separated children</li> <li>• Placement of (potential) victims of trafficking in an appropriate care facility</li> <li>• Investment in small-scale reception facilities and closure of large-scale, expensive, facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Inspiring children to go to school and work on a future perspective</li> <li>• Guaranteed play and amusement</li> <li>• Acknowledgement of the fact that the family in the country of origin could be involved in the child being trafficked and exploited.</li> <li>• Monitor children who return to the family in the country of origin</li> </ul>	
CYPRUS	<ul style="list-style-type: none"> <li>• Adequate assessment of needs and elaboration of previous traumatic experiences</li> <li>• The level of competence and specialization of professionals/services</li> <li>• Adequate housing conditions in terms of specialization, approach and activities carried out</li> <li>• Access to health care, including care for specific needs (e.g. mental health services)</li> <li>• Respect of cultural and religious differences and of the child's views with regard to his/her nutrition</li> </ul>	<ul style="list-style-type: none"> <li>• Access to education and educational support</li> <li>• Opportunities for socialization with the community and for participation in local cultural and sport events</li> <li>• Specialized vocational training, and adequate information on the available opportunities</li> <li>• Information and counselling services on employability and socialization</li> </ul>	

	PARTICIPATION	PROTECTION	
	<ul style="list-style-type: none"> <li>• The respect of children's autonomy, capacity and active role</li> <li>• The respect of children's cultural identity and the availability of cultural mediation</li> <li>• The competent recognition of the group dimension</li> </ul>	<ul style="list-style-type: none"> <li>• The competence of the first contact with the child</li> <li>• The timely and adequate information of children, also through peers</li> <li>• The development of a relationship based on mutual trust, confidentiality (with the guardian or other people in close contact with the child)</li> <li>• Adequate and shared competences, in particular on the risks children are exposed to as well as on trafficking and exploitation</li> </ul>	ITALY
	<ul style="list-style-type: none"> <li>• Recognition and respect for children's decision making capacity</li> <li>• Ensuring participation by respecting and accepting children's cultural background as well as provision of cultural mediation and interpretation for appropriate coverage of children's needs</li> <li>• Defining and setting an individual personal plan, concerning the child's future projects</li> </ul>	<ul style="list-style-type: none"> <li>• Efficient monitoring system</li> <li>• Training and supervision provided to professionals, in order to develop competent child centered skills</li> <li>• Timely and adequate information of children</li> </ul>	GREECE
	<ul style="list-style-type: none"> <li>• Providing information and guaranteeing participation in the future perspective of the child</li> </ul>	<ul style="list-style-type: none"> <li>• A migration policy in line with the needs and rights of the child</li> <li>• The appointment of a guardian immediately after identification of the separated child.</li> <li>• The timely and correct identification of (potential) child victims of trafficking and exploitation</li> <li>• Procedural safeguards for children disappearing from care facilities and children wanting to be reunited with family members in an EU country</li> <li>• Guidelines for guardians about the use of the possibility to request an extension of the rest and preparation period</li> </ul>	THE NETHERLANDS
	<ul style="list-style-type: none"> <li>• Civic education</li> <li>• Identification of a durable solution</li> <li>• Opportunities of expression, such as spiritual, cultural and sport events</li> <li>• Opportunities for participation in the living context (meetings, complaints procedures, opportunities for self-advocacy)</li> </ul>	<ul style="list-style-type: none"> <li>• A child-sensitive asylum system</li> <li>• The appointment of an independent and specialised guardian, and clear information for children on the guardian's responsibilities, management support and accountability</li> <li>• Mechanism for family tracing and reunification</li> <li>• Information system on the socio-economic context of origin in order to tailor adequate integration paths</li> <li>• Prompt legal, social and psychological support, cultural intermediation and interpretation</li> <li>• Adequate and child-sensitive information on children's rights to protection and assistance, including on asylum and international protection and children's awareness of risks and related information</li> <li>• Access to information by practitioners for purposes of training and research</li> <li>• Legal instrument to govern the transition to adult age</li> <li>• Return decisions made solely in the best interests of the child</li> </ul>	CYPRUS



PART 2  
PRACTICAL  
ORIENTATIONS  
FOR  
GUARDIANS



---

## PART 2 - PRACTICAL ORIENTATIONS FOR GUARDIANS

### A. RATIONALE AND DEFINITION

As it clearly emerges from the GATE research, being the guardian of a separated child is a challenging role, which demands adequate skills, work methodology and supervision, dedication and personal attitude and which needs to be adequately supported and monitored.

This section includes some orientations intended to provide guardians with practical indications for the appropriate fulfilment of their tasks and responsibilities in their work with children and with the other actors involved in the children's care and protection processes.

The "practical" nature of these orientations is a result of the process adopted for their elaboration. This process aimed at combining data and information gathered at national level with a theoretical child rights-based approach, and at applying the result of this analysis in order to define evidence-based orientations (see Image 5) on what to "know", "do" and "be" for guardians and guardianship systems:

| Image 5 - Process of defining the practical orientations for guardians |



The indications provided in this section therefore reflect the methodological approach adopted in the project (see par. II), namely a child rights-based and holistic approach centred on the recognition of all children's needs/rights and on the systemic consideration of the various factors which may hinder their inclusion and effective protection, intended as fundamental and necessary pre-requisites of every strategy, action and measure against trafficking and exploitation.

In this perspective, the guardian is acknowledged as an actor who, when adequately trained and supported, can play a crucial and irreplaceable role

for the adequate understanding and representation of each child's history, rights and views. In addition, a guardian's role is fundamental for the prevention and immediate detection of possible gaps and risks, as well as for the positive identification - in relation to the specific context and in collaboration with the child and the other actors involved - of suitable and durable protection measures.

#### WHICH DEFINITION OF GUARDIANSHIP?

The GATE Orientations for guardians are based on the rights enshrined in the United Nations Convention on the Rights of the Child (CRC) as a primary legal source, as well as on other European and regional provisions on children's rights and welfare. These Orientations aim at contributing to the assurance of the guardians' acquisition of the adequate qualifications recalled by a number of EU special plans and strategies.

The main assumptions of the GATE Orientations are that the four general principles of the CRC - the right to non-discrimination (art. 2), the primary consideration of the child's best interest (art.3), the right to be heard (art. 12) and the right to life and development (art. 6) -, that has been ratified by all the European Union Member States, must inform all actions and measures concerning children in the context of migration, and that the rights, stated by the CRC, must be granted to all children, without any discrimination or limitation on migration grounds.

With the aim of identifying a common definition of "guardianship", which can be taken as a key reference with respect to the heterogeneity of the Member States' definitions, legal and institutional frameworks, the GATE Practical Orientations adopt the definition of "guardianship" included in art. 18 of the CRC. According to this article, legal guardians are the persons who, failing the parents, "have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern".

By making reference to the best interest principle, this definition makes very clear that the fundamental objective of guardianship, is the identification, representation and promotion of the child's best interests, in relation to the context where she/he lives and to any other condition or relationship. It is also stated that the guardian has a "primary" role in ensuring the appropriate development and protection of children. A role and a function that must be recognized and adequately supported by national institutions and the implementation and provision of which must be guaranteed for all children in the national territory.

In this light and in line with the non-discrimination principle, it is worth highlighting that article 20 of the CRC stipulates that "a child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State", while article 22 adds that in the case of a child separated from his or her family, "the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason".

Other provisions of the CRC can also help in further specifying the recognition and institutional support essential for the guardian. In this regard, article 5 states that "States Parties shall respect the responsibilities, rights

and duties of parents or, where applicable, legal guardians (...) to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise of the rights recognized in the present Convention”, while article 18 adds that States Parties “shall render appropriate assistance to parents and legal guardians in the performance of child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children”.

Special attention to the qualification of the role and protective functions of the guardian is also paid by the Committee on the Rights of the Child General Comment no. 6 on the Treatment of Unaccompanied and Separated Children outside their Country of Origin, where the prompt appointment of a competent guardian is recognized not only as a key procedural safeguard to ensure respect of the best interest, but also as one of the practical measures necessary to protect children from all the risks they are exposed to (par. 24). In addition, the General Comment specifies that pursuant to article 12 on the right to participation, in guardianship, as well as in care and accommodation arrangements and legal representation, the views of children should be taken into account and they must be properly and effectively informed on the decisions adopted (par. 25 and 37).

Other important indications are provided by paragraphs 33-38 of the General Comment with regard to:

- the designation – in light of the best interest of the child - of family members or where applicable of non-primary caretakers as guardians, or the close scrutiny of the suitability for guardianship in case no adult family member or caretaker is identified;
- the role of guardians, who should not hold positions that could lead to a potential conflict with the child’s interests;
- the duration of guardianship arrangements, that should be maintained until the child has either reached the age of majority or has permanently left the territory and/or jurisdiction of State;
- the competences of guardians, who should have expertise in childcare and be able to ensure the safeguard of the child’s best interest as well as the adequate response to the legal, social, health, psychological, material and educational needs of the child, also by acting as a link with the specialist individuals/agencies who provide the continuum of care for children;
- the recognition of the role of the guardians, who (a) should be allowed to make regular contact and visit the child, (b) should be consulted and informed regarding all actions and decisions taken in relation to the child, and (c) should have the authority to be present in all planning and decision-making processes, including immigration and appeal hearings, care arrangements and decisions concerning the identification of a durable solution;
- the need to ensure that review mechanisms are in place to ensure the quality of the exercise of guardianship and to prevent abuse.

#### METHODOLOGY OF ELABORATION

As highlighted above, the orientations hereafter provided were elaborated by Defence for Children Italy through a systematisation of evidence gained

---

through the research and consultation with professionals and children and the theoretical framework offered by the CRC, with the aim of identifying the main practical measures guardians should undertake. These measures should allow and inspire the active participation of the child and also be in collaboration with the other actors involved in the care of children, in order to ensure that all the children's needs and rights are adequately recognized and covered and the level of their protection is enhanced.

With the objective of filling the existing gaps between theory and practices, a comparison was conducted between the problems, protection gaps as well as risks that derived from the research results and the map identified through the CRC provisions. Through this comparison, the measures, competences and behavioural skills needed to improve the protection of children in Europe and ensure conformity with the CRC provisions, were identified.

To ensure their direct applicability, the orientations were then grouped by taking into account the sixteen cards of the GATE game (see par. II).

#### HOW TO USE THE PRACTICAL ORIENTATIONS

The GATE Practical Orientations aim at providing guardians with operational indications for the qualification and the improvement of their overall approach, work methodology, level of competence as well as of their day-to-day work and case management.

They represent a flexible and creative instrument specifically designed for the on-going planning, monitoring and review of the various activities that must be developed "around" the child and "with" the child.

The Orientations aim at setting a common "minimum threshold" with the objective of indicating what are the essential activities that guardians are asked to directly undertake or facilitate in order to effectively protect children. Moreover, they can also be considered as a starting point for further qualification or context-specific adaptation. In this sense, they are addressed to individual guardians, but can easily be adopted by guardianship organizations, institutional and social actors, NGOs and civil society organizations.

The assumptions underlying their effective application derive from the definition and qualification of guardianship envisaged by the CRC, namely the recognition that the guardian has clearly defined responsibilities and duties in relation with the child, as well as primary responsibility for the assessment and promotion of the child's best interests, well-being, development and active participation, based on the knowledge and respect of his/her personal history, aspirations and views. The guardian has to adopt an educational and relational approach sensitive to privacy, cultural and gender issues; sustain the development of a positive environment around the child; be willing to ask for specialist support, receive specialized training and be monitored and supervised.

The guardian has also clearly defined responsibilities and duties in relation with the other professionals involved in the care of the child. Therefore, he/she has to facilitate networking and cooperation, needs to be adequately supported by the competent institutions and recognized by the other actors, but also to be ready to face and overcome possible difficulties and contrasts

with other actors, always keeping in mind the best interest of the child.

In order to provide the guardian with a clear map for the effective performance of his/her role, the GATE Practical Orientations are listed through the use of each card of the GATE Game and integrated with the indication of the most relevant CRC provisions as well as of a group of keywords.

Moreover, for the sake of clarity and applicability the indications are grouped into three different categories, namely:

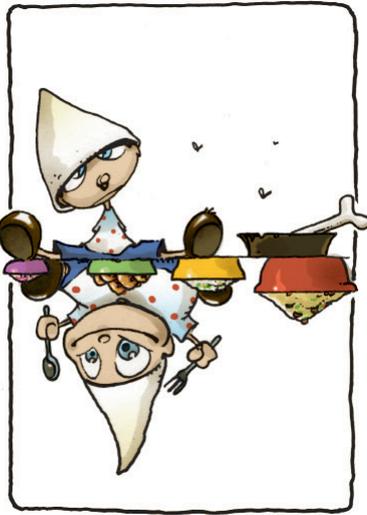
**KNOW:** orientations on the knowledge, theoretical competences, general information, as well as child-specific and context-specific information that the guardian has to have- knowing and staying informed

**DO:** orientations on the direct/indirect activities that the guardian has to undertake and facilitate in order to adequately fulfil his/her duties by adopting a systemic and programmatic perspective– be proactive and consistent with your responsibility

**BE:** orientations on the relational skills and personal attitude needed to establish a relationship with a child, as well as on the behavioural, cultural and gender issues that may interfere with the relationship with the child and with the duty to identify, promote and protect the child's best interest – listening without prejudices

## B. PRACTICAL ORIENTATIONS

### 01 SURVIVAL >> NUTRITION/FOOD



#### KEYWORDS

RELATIONSHIP • SAFETY • HEALTH • TASTE  
 • DEVELOPMENT • EMOTIONS • PLEASURE •  
 SOCIABILITY • CONVIVIALITY • NUTRITION •  
 MOTHER • PRIMARY RELATIONSHIP • CULTURE •  
 HOME • HABITS • DIET

#### CRC MAIN ARTICLES

- art. 6 Right to life, survival and development
- art. 24 Right to the highest attainable standard of health and health services
- art. 25 Right to a periodic review of the treatment provided to the child
- art. 27 Right to an adequate standard of living

KNOW	<ul style="list-style-type: none"> <li>• To have a basic knowledge on healthy nutrition, diet and nutrition-related risks factors.</li> <li>• To know which are the possible food-related special needs of the child (health problems, personal beliefs-related needs, food habits).</li> <li>• To know whether the child receives food which is adequate to his/her nutritional, cultural and personal needs both from a qualitative and quantitative point of view.</li> <li>• To know whether the child likes the food he/she is given or not, and what is the food that he/she likes.</li> </ul>
DO	<ul style="list-style-type: none"> <li>• To consider food as one of the indicators and promoters of the quality of the relationship between the child and the surrounding context.</li> <li>• To have recurrent occasions to have lunch/ dine with the child.</li> <li>• To assess the quality and the quantity of food the child is given, as well as the appropriateness of the place where the child eats (location, specific space, hygiene, etc.).</li> <li>• To verify that the food provided to the child responds to his/her food habits and personal tastes (“home food”) and to support the child in the expression of his/her tastes and views on food.</li> <li>• To favor occasions of direct participation of the child in preparing his/her own food</li> <li>• To act in order to find solutions in case of problems related with the child’s nutrition and diet.</li> <li>• To be attentive and verify if any change occurs in the diet/nutrition habits of the child.</li> </ul>
BE	<ul style="list-style-type: none"> <li>• To be open to consider that the relation with food is personal and culturally based.</li> <li>• To be aware of the emotional and relational contents/values of food.</li> </ul>

02 SURVIVAL >> HOME



**KEYWORDS**

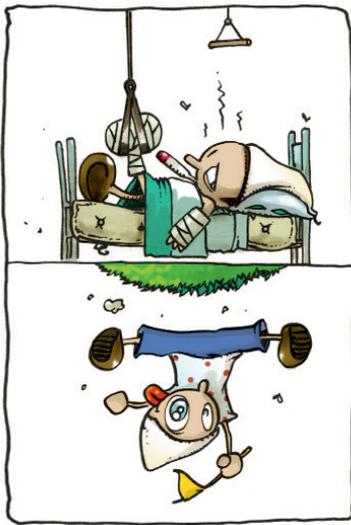
WARMTH • MUTUAL RESPECT • FAMILY • SPACES •  
 RELATIONSHIPS • RULES • FREEDOM • BEYOND THE  
 WALLS • ROOMMATES/HOUSEMATES • HOME VS  
 HOUSE • PROTECTION • FEELINGS • RECOGNITION

**CRC MAIN ARTICLES**

- art. 20 Right to special protection for children without family
- art. 25 Right to a periodic review of the treatment provided to the child
- art. 27 Right to an adequate standard of living
- art. 16 Right to privacy

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know that the appropriateness of placement has a great impact on the level of protection of any child.</li> <li>• To know that in order for a placement solution to be appropriate, the personal, emotional and cultural meaning of the word “home” must be taken into due consideration.</li> <li>• To know which authority is responsible for the adequate placement of the child, which are the related legal standards and which are the appropriate child reception facilities available on the territory.</li> <li>• To be aware of the housing habits of the child.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To make sure that the placement solution is adequate to the child’s specific needs and expectations.</li> <li>• To visit the child frequently and get familiar with the reception facility, to spend time with him/her.</li> <li>• To make sure that the place where the child lives is healthy, adequate, comfortable and offers spaces where to live safely, to keep his/her belongings and to have his/her privacy respected.</li> <li>• To ensure and monitor that the child has an adequate level of freedom and possibilities for expression within the reception facility, that cultural diversities are valued and mediation is competent, available and accessible at all level.</li> <li>• To establish a collaborative relationship with the professionals of the reception facility and to support them in establishing valuable relationships with local external actors, surrounding context and community (sport clubs, social groups, associations, etc.).</li> <li>• To verify how the child feels about the place, what may prevent him/her from feeling comfortable and whether he/she goes along with his/her roommates/housemates and with the professionals of the reception facility.</li> <li>• To monitor the child’s behavior and attitude in the reception facility and in relation to its rules and regulation, in order to identify and address possible problems and to support the child in expressing in an adequate and respectful manner possible complaints.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To always be proactive in observing and staying informed about the child’s behavior, progress and difficulties in integrating in the reception facility.</li> <li>• To be open to search for alternative and more suitable placement solutions and to propose these alternative solutions to the competent authority/body.</li> <li>• To be able to sensibly mediate between the child’s perspectives and the point of view of the reception facility.</li> <li>• Not to fear to report to the competent authority/body possible problems.</li> </ul>

03 SURVIVAL >> HEALTH



KEYWORDS

WELLBEING • PSYCHOLOGICAL • IMMUNIZATION  
 • HYGIENE • NATIONAL HEALTH SYSTEM •  
 PAEDIATRICIAN/FAMILY DOCTOR • ENVIRONMENTAL  
 HEALTH • RISK FACTORS • MEDICAL CHECK-UP •  
 INFECTIOUS DISEASES • EMPATHY • CULTURE • GENDER

CRC MAIN ARTICLES

- art. 6 Right to life, survival and development
- art. 19 Right to protection from violence, injury, abuse and neglect
- art. 20 Right to special protection for children without family
- art. 24 Right to the highest attainable standard of health and health services
- art. 29 Development of child's personality, preparation of the child for responsible life in a free society

KNOW

- To know the entitlements of the child in relation to health as well as the existing legal instruments to ensure the fulfilment of his/her rights.
- To know that by definition “health” includes the whole spectrum of psycho-physical wellbeing and is concerned not only with the presence/ absence of physical diseases but also with all the conditions that might influence the child’s psychological and physical development.
- To know the compulsory procedures needed to be followed for the guarantee of the child’s health (medical check-ups, immunization protocols, preventive measures, etc.).
- To know the child’s cultural meaning of “being ill”.
- To know the individual, the environmental and social risk factors for the child’s health, and how to deal with and prevent them.
- To know the personal anamnestic history of the child and always be informed on his/her current health status.
- To know which are the main signs and symptoms related to exploitation phenomena (sexual exploitation, in particular).

DO

- To make sure that the child is enrolled in the National Health System and registered for a paediatrician/family doctor, with whom to keep in touch.
- To verify that the context where the child lives follows the minimal hygienic standards established by the law.
- To make sure that all the actions needed to ensure the child’s health are undertaken (e.g. compulsory immunization procedures, periodical medical check-ups, etc.), and to monitor possible health problems.
- To be present when the child is ill and to support him/her.
- To support in promptly referring the child to a consultant when physical/psychological problems are observed or reported.
- To verify whether specific health problems (e.g. sexually transmitted diseases, chronic fatigue, eating disorders, etc.) may be related with exploitation issues.

BE

- To be aware that information and dialogue on health problems and issues must be based on a relationship of trust and mutual respect.
- To be in an empathetic relationship with the child if he/she is ill or feel ill or when he/she needs to go to the doctor or is in hospital.
- To be sensitive to gender and cultural dimensions related to health problems, issues and access to health services.
- Not to underestimate any, even small, sign of possible health problems, either psychological or physical.

04

DEVELOPMENT >> EDUCATION / LEARNING



**KEYWORDS**

INFORMATION • EMPOWERMENT • VULNERABILITY  
 • CULTURE • CAPACITIES • SKILLS • FRUSTRATION  
 • LANGUAGES • SELF-ESTEEM • TEACHERS •  
 CLASSMATES • LEARNING

**CRC MAIN ARTICLES**

- artt. 28/29 Right to education
- art. 30 Right to enjoy his/her culture, to profess and practice his/her own religion and to use his/her own language
- art. 12 Right to express his/her opinion

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know that education and inclusion in an adequate educational setting represent fundamental assets for the development and life projects of the child.</li> <li>• To know that the inclusion in the school system structurally increases the level of protection and the self-defence potential of the child.</li> <li>• To know that school outcomes have a great impact on the child's self-esteem and perception of his/her capacities.</li> <li>• To know the educational/vocational training opportunities available at local level.</li> <li>• To recognize the personal aspirations, talents and prospects of the child.</li> <li>• To know the educational background of the child and be aware that any educational process should consider cultural diversities.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To favor and monitor the degree and the quality of the child's integration into school, also by addressing possible learning difficulties.</li> <li>• To verify that cultural mediation at school is competent, available and accessible, and that the cultural diversities of the child are valued.</li> <li>• To ensure that the child has all the opportunities to properly learn the national language.</li> <li>• To actively participate in school meetings that parents are called to attend and to cooperate with teachers in supporting the child.</li> <li>• To define with the child a sustainable and adequate educational plan, including viable opportunities, that could become possible through education.</li> <li>• To make sure that the child's life project and aspirations are taken in due consideration in any decision concerning his/her education and vocational training.</li> <li>• To prevent scholar drop-out through a constant monitoring of the child's attendance, results, and possible problems.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be open to recognize that the key of any sustainable educational process has to be based on the aspirations and views of the child.</li> <li>• To give trust to the child and to always try to see and value his/her potential and capacities.</li> <li>• To be available for the child to address the difficulties, frustration and emotional distress he/she may face while attending classes.</li> </ul>

05

DEVELOPMENT >> WORK



### KEYWORDS

STATUS • ASPIRATIONS • HOPES • EXPERIENCES • SKILLS • MONEY • ASSESSMENT • REGULATIONS • SEARCH • COMMITMENT • REALISM • DREAMS • UNIQUENESS • RISKS • ACCEPTANCE • FRUSTRATION • DISTRESS

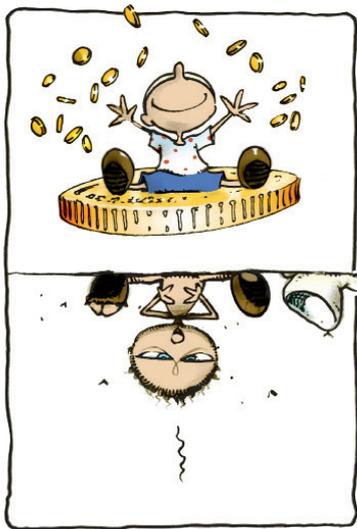
### CRC MAIN ARTICLES

art. 6 Life, survival and development  
 art. 26 Social security  
 art. 28 Education  
 art. 29 Aims of education  
 art. 32 Economic exploitation  
 art. 34 Sexual exploitation  
 art. 35 Abduction, sale and traffic  
 art. 36 Other forms of exploitation

KNOW	<ul style="list-style-type: none"> <li>• To know that work represents an important dimension for the child's identity, empowerment, autonomy and self-esteem.</li> <li>• To know the legislation, procedures and entitlements related to child labour and the possibilities and limitations related to the status of the child and to the labour market.</li> <li>• To know the context where the child works, and the related possible risks.</li> <li>• To know aspirations, hopes, needs, experiences, skills and capacities of the child.</li> <li>• To know the child's primary and secondary needs related to his/her necessity to earn money and the impact of the family of origin in the will/obligation of the child to work.</li> <li>• To know the risk factors connected with labour (e.g. informal economies) that could lead or produce vulnerability to exploitation.</li> </ul>
DO	<ul style="list-style-type: none"> <li>• To monitor working conditions, environment and developments.</li> <li>• To clearly inform the child on his/her rights and legal requirements, and help him/her to apply for the necessary documents.</li> <li>• To assess with the child his/her competencies and aspirations (competencies balance).</li> <li>• To support in connecting, integrating and harmonizing the life project of the child with available opportunities.</li> <li>• To help the search for work and vocational training opportunities.</li> <li>• To facilitate the possibility to continue education aside the working commitments (also language learning).</li> <li>• To monitor possible risks and potentially negative situations for the child.</li> </ul>
BE	<ul style="list-style-type: none"> <li>• To be positive and hopeful without applying stereotypes and recognize the uniqueness and the potential of each child and his/her story.</li> <li>• To be open to understand the individual aspirations and hopes of the child.</li> <li>• To be able to address the child's frustration and distress which may arise from difficulties, problems and lack of opportunities, by focusing on his/her capacities, resources and resilience.</li> </ul>

06

DEVELOPMENT >> MONEY



**KEYWORDS**

NEEDS • FAMILY • DEBTS • SATISFACTION • STATUS  
 • OBJECTIVES • PROJECTS • RISKS • DEVELOPMENT  
 • FINANCIAL LITERACY • PRIORITIES • PUSH/PULL  
 FACTORS • EXPECTATIONS • EXPLOITATION •  
 FREEDOM • VALUES • CONSUMER LIFE-STYLE •  
 FASHIONABLE CLOTHING • MOBILE PHONE

**CRC MAIN ARTICLES**

- art. 6 Life, survival and development
- art. 14 Freedom of thought, conscience and religion
- art. 26 Social security
- art. 27 Standard of living
- art. 31 Play and recreation
- art. 34 Sexual exploitation
- art. 35 Abduction, sale and traffic

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know what money means for the child and which are the financial objectives in his/her life project.</li> <li>• To know what is the financial situation of the child in relation with her/his needs (debts, needs of the family).</li> <li>• To know the level of response and satisfaction of primary needs.</li> <li>• To know that the lack of any money may be a risk factor likely to make the child vulnerable to trafficking and exploitation phenomena.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To facilitate a better understanding of the child's situation also from an economical and socio-cultural perspective</li> <li>• To inform the child about existing opportunities and risks in earning money.</li> <li>• To support the financial "literacy" of the child in order to make him/her have a healthy and realistic relation with money.</li> <li>• To plan with the child realistic financial objectives by integrating them with other development aspects.</li> <li>• To carefully and promptly verify any observed variation in the economic situation of the child.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be open to address the attractiveness of the Western consumer life-style</li> <li>• To be aware that the financial dimension more than often represents both a push and a pull factor of the migratory experience of the child.</li> <li>• To be open to consider that the child might see money in a different way and with a different value and priority</li> <li>• To be conscious that money might constitute a mean or/and an end in trafficking and exploitation phenomena.</li> </ul>

07 DEVELOPMENT >> FAMILY OF ORIGIN



**KEYWORDS**

CONTEXT • CULTURAL BACKGROUND • TRADITION  
 • LOVE • CONNECTION • MIGRATION PROBLEM  
 • EXPECTATIONS • LONELINESS • CONTACTS •  
 TRACING • MEMORIES • REUNIFICATION • STORY •  
 PRIVACY • PARENTAL ROLE • TRUST • ANCESTORS •  
 TRADITION

**CRC MAIN ARTICLES**

- art. 5 Parents, family, community rights and responsibilities
- art. 7 Name and nationality
- art. 9 Non-separation from parents
- art. 10 Family reunification
- art. 16 Privacy, honour, reputation
- art. 18 Parental responsibility
- art. 19 Abuse and neglect (while in family or care)
- art. 20 Alternative care for children in the absence of parents
- art. 21 Adoption
- art. 22 Refugee children
- art. 25 Periodic review
- art. 27 Standard of living

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know the context of origin of the child (cultural background, traditions, causes of departure).</li> <li>• To know and value the connection with the context of origin.</li> <li>• To know the role of the family of origin in the child’s migratory project and its possible specific needs and expectations.</li> <li>• To know the actual relations and contacts with the family and the consequent implications for the child.</li> <li>• To know the extended family network in the host country or abroad and its connection with the child’s migration project.</li> <li>• To know and verify the potential risks of exploitation and trafficking within the close or extended family network.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To value the family memories and traditions of the child and favour appropriate opportunities to express them.</li> <li>• To verify the appropriateness of maintaining/re-establishing contacts with the family of origin and, where appropriate, to favour regular exchange with the family of origin.</li> <li>• To support in tracing possible family network in the host country or abroad.</li> <li>• To verify the opportunity for family reunification (also by considering effectively assisted and monitored return procedure).</li> <li>• Where appropriate and requested by the child, to be open to directly get in contact/ establish a relationship with the family of origin.</li> <li>• Where appropriate and requested by the child, to consider introducing the child to his/her (the guardian’s) family.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be open to consider different traditions and cultures in understanding and experiencing family models.</li> <li>• To be conscious that each child has a story and a family background.</li> <li>• To be sensitive to the privacy of the child, be open, available and patient till the child feels ready to disclose situations on his/her own, without having previously felt forced to do so.</li> <li>• To be aware that some of his/her functions and roles are very close and similar to the ones that a parent would play.</li> <li>• To be sensitive and careful to always search for an adequate balance between his/her (meaning the guardian’s) emotional/relational/parental function and his/her legal one.</li> </ul>

08

DEVELOPMENT >> FRIENDS



**KEYWORDS**

DEVELOPMENT • RELATIONSHIPS • FRIENDSHIP • PEERS • ENVIRONMENT • SCHOOL CLASS • TRUST • INTROVERSION • SOCIAL ISOLATION • BULLYING • EXTROVERSION • INTEGRATION • INCLUSION • FUN • PLAY • LIFE-STYLE • ROLE MODEL • GROUP.

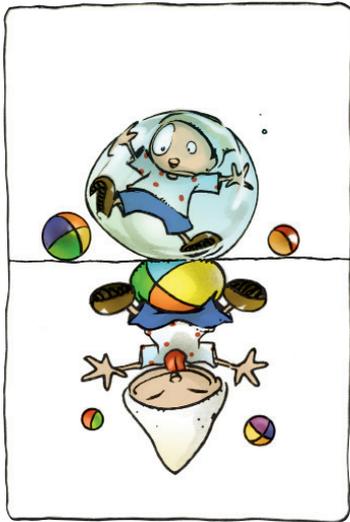
**CRC MAIN ARTICLES**

- art. 29 Development of child personality, preparation of the child for responsible life in a free society
- art. 24 Right to the highest attainable standard of health and health services

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To acknowledge the importance of relationships with peers for the development of the child.</li> <li>• To be familiar and relate with the social and friendship network of the child in the host country and/or at home.</li> <li>• To know which are the possible signs of a not well-developed process of integration (e.g. difficulties in developing friendship relationships beyond the same group of origin).</li> <li>• To take in adequate consideration that difficulties in establishing relationships with peers might represent a sign of psychological distress.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To verify that occasions and places where the child could create/enjoy relationships with peers are available for him/her.</li> <li>• To recognize and value the child's resources and capacities in dealing with possible difficulties in establishing relationships with peers.</li> <li>• To support the child in establishing relationships/ contact with his/her friends in the host country and/or at home.</li> <li>• To verify if and how the child is integrated in the school class, or in any other place where relationships with peers could be established.</li> <li>• To recognize actual or potential risks/dangers related to the child's social and friendship network</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be sensitive and value the relevancy of the dynamics in the social life of the child.</li> <li>• To be aware of the influence that relationships with peers may have on the child's behavior, models and life-style.</li> <li>• To be open to consider the opportunities and problems which may arise from the relationships with peers from other ethnic/religious groups and/or different countries of origin.</li> <li>• To be open to welcome the child's friends without unmotivated prejudices.</li> <li>• To be open to ask for support in empowering and valuing the social network of the child.</li> </ul>

09

DEVELOPMENT >> PLAY/AMUSEMENT



**KEYWORDS**

DEVELOPMENT • EXPRESSION • FREEDOM • NATURE  
 • COLOURS • FEELINGS • ROLES, RULES • CULTURE  
 • PERSONAL INCLINATIONS AND NEEDS • GROUP •  
 PREVENTION • EMPOWERMENT • ARTS • SPORTS •  
 SOCIABILITY

**CRC MAIN ARTICLES**

- art. 31 Right to leisure, recreation and cultural activities
- art. 6 Right to life, survival and development
- art. 12 Right to express his/her opinion

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know that having time to rest and that engaging in associative, leisure, recreational, cultural, sport and artistic activities is fundamental for the appropriate psycho-social, educational, emotional and physical development of the child.</li> <li>• To know the opportunities offered by the territory where the child lives.</li> <li>• To have a basic knowledge of what are the associative, leisure, recreational, cultural and artistic activities appropriate to the child, in particular in relation to his/her age, culture, gender and specific needs.</li> <li>• To know that these kind of activities (e.g., artistic or cultural ) may be extremely helpful in favouring the comprehension and the discovery of the child's personal history, needs and aspirations.</li> <li>• To know that engaging in positive and rewarding associative, leisure, recreational, cultural, sport and artistic activities may consistently reduce the risk of being involved in dangerous activities and of being exposed to trafficking and exploitation phenomena.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To facilitate the recognition of the specific and personal inclinations of the child by the other actors involved in his/her care.</li> <li>• To support in promoting the child's access to associative, leisure, recreational, cultural, sport and artistic activities appropriate to his/her needs and inclinations.</li> <li>• To empower the child to be proactive in autonomously proposing/organizing associative, recreational, cultural, sport and artistic activities.</li> <li>• To be available to play with the child, and to search with him/her some leisure and recreational activities.</li> <li>• To support in accessing resources, professionals and competences which may contribute to the development of tailor-made activities and organized social activities.</li> <li>• To recognize and explore any possible problem the child might encounter during these activities.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• Not to consider own personal prejudices or wishes on leisure and sport time activities.</li> <li>• To be open to recognize, through an intercultural point of view, the different perspectives on leisure, recreational, cultural, sport and artistic activities.</li> </ul>

10

DEVELOPMENT >> RELATION WITH OPPOSITE SEX/SEXUALITY



KEYWORDS

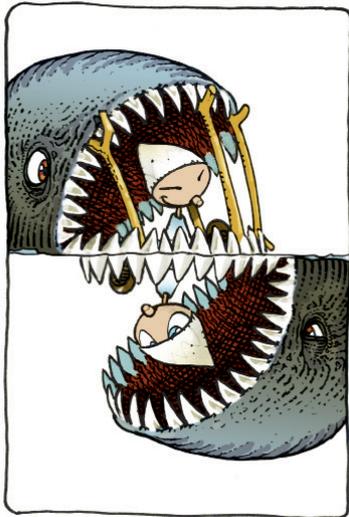
PRIVACY • PREVENTION • FEELINGS • TRADITION  
 • CULTURE • EXPERIENCES • SUPPORT •  
 INFORMATION • GENDER • RISKS • LOVE •  
 FRIENDSHIP

CRC MAIN ARTICLES

- art. 6 Right to life, survival and development
- art. 19 Right to protection from violence, injury, abuse and neglect
- art. 20 Right to special protection for children without family
- art. 24 Right to the highest attainable standard of health and health service

KNOW	<ul style="list-style-type: none"> <li>• To have a basic knowledge of sexual development issues and of the related possible health and social risks.</li> <li>• To know that healthy sentimental and sexual relationships are important for the development of the child and for his/her future life.</li> <li>• To have a basic knowledge of the cultural and gender dimensions implied in the child's conception of sentimental/sexual relationships and of sexuality.</li> <li>• To know which are the health care and support services (e.g. family plan) available on the territory.</li> <li>• To be familiar with the history and experiences of the child and to understand if the child may have had bad experiences related to this sphere.</li> <li>• To know which are the basic signs and symptoms of child sexual abuse and which are the authorities/services competent/responsible to refer to in case of abuse, trafficking and exploitation.</li> </ul>
DO	<ul style="list-style-type: none"> <li>• To verify the level of competences and attention related to sexuality issues and prevention/protection from the related health and social risks in the context where the child resides.</li> <li>• To promote, in an adequate, respectful and non intrusive manner, a dialogue with the child on sexuality and sentimental/sexual relationships.</li> <li>• To ensure the maximum degree of confidentiality, except for the case where the child or another person is in danger.</li> <li>• To verify whether the child is adequately informed about health and social risks related to sexual relationships and how to minimise them.</li> <li>• To be open to meet the partner of the child and fully consider his/her relevancy.</li> <li>• To empower and support the child on all the dimensions (emotional, social, health, contraception, risks, etc.,) related to sexuality and sentimental/sexual relationships.</li> <li>• To recognize any signs that might indicate possible problems related to the sexual/sentimental spheres.</li> </ul>
BE	<ul style="list-style-type: none"> <li>• To be aware of the cultural and gender dimensions implied in sexuality and sentimental/sexual relationships.</li> <li>• To avoid having his/her own cultural or personal prejudices, preferences or models inappropriately interfere with the child's sentimental and sexual relationships.</li> <li>• To be aware that the gender dimension might create significant obstacles and biases in the relationship with the child.</li> </ul>

II PROTECTION >> RISKS



KEYWORDS

RESILIENCE • PREVENTION • SELF-DEFENCE • FEAR • SOCIAL NETWORK • LISTENING • COOPERATION • SAFE CONTEXT • PROTECTION • VULNERABILITY • INFORMATION • EMPOWERMENT • ADDICTION

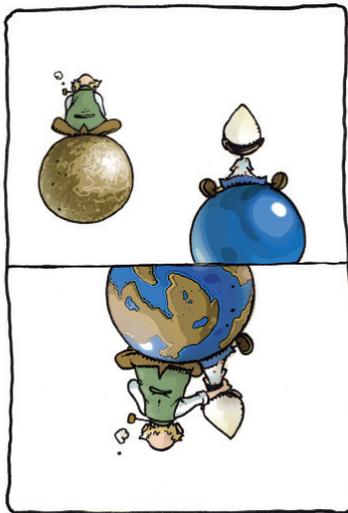
CRC MAIN ARTICLES

- art. 6 Right to life, survival and development
- art. 19 Right to protection from violence, injury, abuse and neglect
- art. 20 Right to special protection for children without family
- art. 24 Right to the highest attainable standard of health and health services

KNOW	<ul style="list-style-type: none"> <li>• To have a basic knowledge of abuse, trafficking and exploitation phenomena and risks related to child migration.</li> <li>• To know which are the various authorities/services competent in case of abuse, trafficking and exploitation as well as the related rights' violations.</li> <li>• To know which could be possible signs and indicators of abuse, trafficking and exploitation.</li> <li>• To know the history, experiences, situation and aspirations of the child, in order to identify his/her possible vulnerabilities to trafficking and exploitation.</li> <li>• To know if the child makes use of drugs, alcohol, or has other forms of addiction.</li> </ul>
DO	<ul style="list-style-type: none"> <li>• To support the definition and implementation of an holistic approach to the needs and the rights of the child aimed at enhancing protection, while preventing risks of abuse, trafficking and exploitation.</li> <li>• To recognize and monitor possible dangerous situations for the child in order to define and promptly implement appropriate measures.</li> <li>• To protect the child from any possible re-traumatization related to legal and persecution procedures.</li> <li>• To facilitate the development of a network of positive relationships with adults, peers and groups.</li> <li>• To empower the child on all the aspects that could enhance his/her self-defence capacities and potential in the current but also future situation and, also by supporting in creating sustainable conditions for the (economic, social, personal) future of the child even in the perspective of the age of majority.</li> <li>• To facilitate activities and projects which may enhance the child's capacities and resilience (sport, social, cultural, artistic activities, training, etc.).</li> <li>• To facilitate the access to resources, professionals and competences which may help the child in case of risks related - from a multidimensional and preventive perspective - to his/her safety, well-being and rights.</li> </ul>
BE	<ul style="list-style-type: none"> <li>• To be conscious that discrimination in its various forms may hinder the protection of the child from abuse, trafficking and exploitation.</li> <li>• To be open to recognize that the enhancement of the resilience, capacities and resources of the child are fundamental elements for every protection measure.</li> <li>• To be sensitive and careful to any sign that might indicate possible violence, abuse and harms.</li> <li>• To be aware that children who suffered traumatic experiences need to be addressed with particular and specific attention, for which support may be needed.</li> </ul>

12

PROTECTION >> RELATIONSHIPS WITH ADULTS



KEYWORDS

RESPECT • ROLE MODEL • ADULTNESS • IMITATION  
 • AUTHORITY • FATHER-FIGURE • GENERATIONS •  
 TRUST • NARRATION

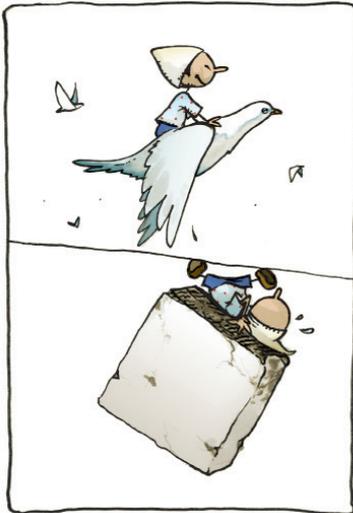
CRC MAIN ARTICLES

- art. 5 Parents, family, community rights and responsibilities
- art. 12 Right to express his/her opinion
- art. 14 Freedom of thought, conscience and religion
- art. 20 Right to special protection for children without family
- art. 29 Development of child's personality, preparation of the child for responsible life in a free society

KNOW	<ul style="list-style-type: none"> <li>• To know the importance of adult's reference figures for the healthy development of the child.</li> <li>• To know the child's cultural meanings of parental authority.</li> <li>• To know how the relationships of the child with his/her parents and/or with other adults he/she might have encountered in his/her country of origin were.</li> <li>• To know whether an adult (different from parents) had represented/represents a key figure in the child's past/present life</li> </ul>
DO	<ul style="list-style-type: none"> <li>• To gain the child's trust and confidence</li> <li>• To carefully watch who are the adults that the child relates with, what kind of relationship exists between them and how the child relates with them.</li> <li>• To support, monitor, and promote a free and fruitful dialogue between the child and his/her present caregivers.</li> <li>• To inform the child on the possible risks related with the behaviour of some adult persons</li> <li>• Where appropriate and requested by the child, to consider introducing the child to his/her (the guardian's) social environment.</li> </ul>
BE	<ul style="list-style-type: none"> <li>• To maintain the awareness of the role he/she is asked to have in the relationship with the child, always being ethically, empathetically and factually concerned about possible interferences he/she could exert with regard to other adults that are present in the child's life.</li> <li>• To take into account the cultural and gender specificities and differences related to the relationship between adults and children.</li> </ul>

13

PROTECTION >> JOURNEY



KEYWORDS

MIGRATION • PULL/PUSH FACTORS • COUNTRY OF ORIGIN • HEALTH • RISKS • DIVERSITIES • INTEGRATION • DESTINATION • LIFE PROJECTS • STEREOTYPES • HERO (ULYSSES) • RESILIENCE • INITIATION • CULTURES • NARRATIVES • BORDERS

CRC MAIN ARTICLES

- art. 20 Right to special protection for children without family
- art. 35 Measures for the prevention of sale, trafficking and abduction

KNOW	<ul style="list-style-type: none"> <li>• To have a basic knowledge on migration (trends, phases, risks, patterns, policies, legislation).</li> <li>• To know where the child comes from and how he/she reached the country.</li> <li>• To know which were the general and personal push/pull factors that induced him/her to leave his/her country.</li> <li>• To know in due time and without forcing the child:             <ul style="list-style-type: none"> <li>how and who organized the journey and if he/she still has an obligation to pay off someone.</li> <li>the people/friends who travelled with him/her.</li> <li>which risks/ experiences/events happened to him/her during his/her journey</li> </ul> </li> <li>• To know where the child would like to go and where he/she is allowed to go according to national legislation.</li> </ul>
DO	<ul style="list-style-type: none"> <li>• To verify that adequate information on the child's migratory process is collected and taken in due consideration for the determination of the child's best interest.</li> <li>• To solicit and listen to the narrations of the child related to the journey.</li> <li>• To orient the child also through the mapping of his/her (past, present, future) life and migratory projects.</li> <li>• To provide the child with preventive information on the risks he/she may face during any journey.</li> <li>• To support the child in establishing positive relationships with communities of the same origin present on the territory.</li> <li>• To activate appropriate responses to possible problems related with the child's migratory experience (traumatic experiences, abuses, exploitation, trafficking, health risks, etc.).</li> </ul>
BE	<ul style="list-style-type: none"> <li>• To be open to recognize and address his/her own (meaning the guardian's) feelings, concerns and fears that may be induced by the child's experiences</li> <li>• To consider the child's history, culture(s) and migratory project as fundamental elements in any relationship, action, measure.</li> <li>• To always value the resources and capacities of the child activated throughout his/her migratory experience.</li> </ul>

14 PARTICIPATION >> DOCUMENTS/CITIZENSHIP



**KEYWORDS**

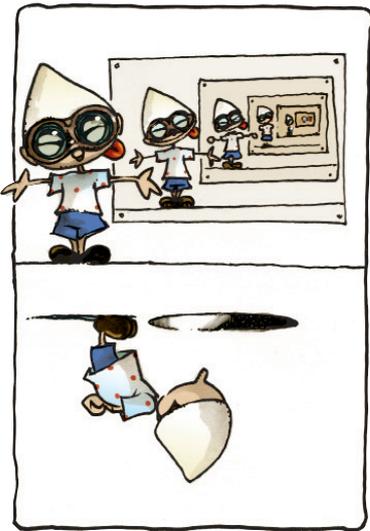
DEVELOPMENT • CITIZENSHIP • INCLUSION • RESIDENCE PERMIT • ASYLUM SEEKER • BEST INTEREST • MAJORITY AGE • PROTECTION • RIGHTS • MIGRATORY PROJECT • DISTRESS • FRUSTRATION • LONELINESS

**CRC MAIN ARTICLES**

- art. 3 Best interest
- art. 6 Right to life, survival and development
- art. 16 Privacy, honour, reputation
- art. 20 Alternative care for children in the absence of parents; Right to special protection for children without family
- art. 21 Adoption
- art. 22 Refugee children
- art. 26 Social security

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To have a firm knowledge of the immigration and asylum law and procedure.</li> <li>• To know the bureaucratic procedure for the issuance and renewal of the residence permit more suitable to the child's conditions, and the impact this has on the life and prospects of the child.</li> <li>• To know the implications that acquiring a "legal status" have for the present and future life of the child.</li> <li>• To know the reasons why a child might prefer not to be included or to leave the national protection system.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To verify that the child is always adequately informed of his/her rights.</li> <li>• To support the child in all the procedures connected with his/her legal status (documents, registration to school/health system, asylum procedure, etc.) by always taking in paramount consideration his/her best interest.</li> <li>• To support the child in any relationship/contact with national institutions and authorities (e.g. criminal proceedings, civil matters ).</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be ready to face possible difficulties and problems also with institutional actors for the sake of the best interest of the child.</li> <li>• To be aware of the frustration and distress which may be caused by the length and/or complexities of bureaucratic procedures and/or by the denial of the child's asylum request</li> </ul>

15 PARTICIPATION >> LIFE PROJECTS



**KEYWORDS**

DEVELOPMENT • FUTURE • ASPIRATIONS • WISHES • NEEDS • RIGHTS • CHARACTER • FEASIBILITY • PAST • CULTURE • DISTRESS • FRUSTRATION • OPTIMISM • PESSIMISM • FEAR • GENDER

**CRC MAIN ARTICLES**

art. 29 Development of child personality, preparation of the child for responsible life in a free society

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know that the child's life project is a matter of the highest importance for his/her future development.</li> <li>• To know that the definition and realization of the child's life project must be based on the active participation, awareness and information of the child.</li> <li>• To know the child's aspirations, needs and rights in order to support the definition/ promotion/ realization of his/her life project.</li> <li>• To know the obstacles the child may encounter in the realization of his/her life project.</li> <li>• To know that the successful and sustainable realization of the child's life project requires to consider what happens upon reaching the age of majority.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To support the definition and realization of the child's life project by giving primary importance to the child's wishes, hopes, needs, aspirations, character, attitude or social network.</li> <li>• To get information about all the available opportunities and/or possible constraints related to the child's life project and all the possible ways to realize it, in cooperation with the other actors involved in the child's care.</li> <li>• To always inform and solicit the active participation and awareness of the child in order to actively involve him/her at each stage of the decisional process.</li> <li>• To support in taking all the necessary measures for the successful implementation of the child's life project.</li> <li>• To carefully monitor and supervise the process and the outcome of each step of the child's life project.</li> <li>• Where appropriate and requested by the child, to get in contact with the child's family to discuss and evaluate the more appropriate life project for the child.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be ready to face possible difficulties and problems also with institutional actors for the sake of the best interest of the child</li> <li>• To be open to always value and consider the child's personal wishes, aspirations, needs and cultural specificities over his/her own (meaning the guardian's) ideas and views.</li> <li>• To be open to always favor, value and nourish the child's resources, capacities and resilience.</li> </ul>

16 PARTICIPATION >> SPIRITUALITY



**KEYWORDS**

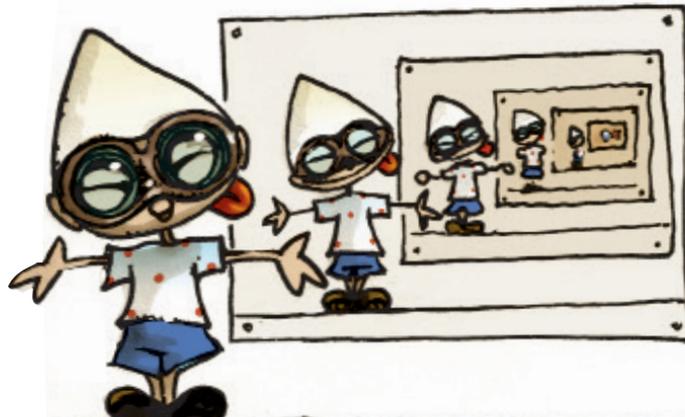
IDENTITIES • CULTURAL AND SPIRITUAL TRADITIONS • VISIBLE AND INVISIBLE WORLD • PLACES OF WORSHIP • TRUST • EXISTENTIAL QUESTIONS • BELIEFS • FAITH • STEREOTYPES • COMMUNITY • ADEQUATE SPACES AND OCCASIONS • SPIRITUAL COERCION • SUPERSTITIONS • RELIGIOUS PERCEPTIONS • WITCHCRAFT • CURSES

**CRC MAIN ARTICLES**

- art. 14 Freedom of thought, conscience and religion
- art. 30 Right to enjoy his/her culture, to profess and practice his/her own religion and to use his/her own language
- art. 12 Right to express his/her opinion

<b>KNOW</b>	<ul style="list-style-type: none"> <li>• To know and acknowledge the impact that the spiritual/religious/magical dimension has on the experience and daily life of each person.</li> <li>• To have a basic knowledge and/or to be open to understand and learn about the child's spiritual/religious/magical traditions, practices and experiences.</li> <li>• To know the spiritual/religious/magical practices that could be used to force or subjugate the child.</li> </ul>
<b>DO</b>	<ul style="list-style-type: none"> <li>• To verify that occasions and places for the expression, also in groups, of his/her religion/spirituality are available for the child.</li> <li>• To support the child in getting in contact with worship places and/or communities where his/her religion/spirituality is practiced.</li> <li>• To verify that the child is not unnecessarily exposed to situations or contexts which are in contrast with his/her personal beliefs.</li> <li>• To verify that the child is not marginalized and/or discriminated on the ground of his/her personal beliefs.</li> <li>• To support in accessing contexts, resources, professionals and culturally relevant competences which may help the child in case of problems related to this sphere.</li> </ul>
<b>BE</b>	<ul style="list-style-type: none"> <li>• To be open to recognize and manage the possible stereotypes on other religious/spiritual traditions and practices.</li> <li>• To take in adequate consideration without prejudices that the invisible world (existential questions, spirits, ancestors, funerary traditions, grievance, djinn, etc.) has the same relevance with the visible world</li> <li>• To avoid the imposition of his/her own (meaning the guardian's) personal religious/spiritual beliefs.</li> <li>• To be open to understand the religious/spiritual needs of the child.</li> <li>• To be open to consider that many situations that could appear as "pathologies" may find their origins and solutions, in relation to the spiritual /religious/ magical dimension, belonging to the experience and culture of the child.</li> </ul>

# PART 3 GATE & EU STRATEGIES



SOME  
REFLECTIONS  
AND  
SUGGESTIONS

---

## PART 3 - GATE AND EU STRATEGIES, SOME REFLECTIONS AND SUGGESTIONS

In June 2012, the EU Commission developed a Communication to outline its 4 year strategy to eradicate trafficking in human beings<sup>1</sup>.

This important document follows the Directive 2011/36/EU, released in 2011<sup>2</sup>, on preventing and combating trafficking in human beings and protecting its victims. It attempts to define a comprehensive strategy aimed at helping Member States transpose into action the contents of the directive.

The strategy articulates five priorities to be taken under consideration in order to orient the efforts of Member States and other stakeholders in addressing trafficking in human beings and determining a significant contribution in the fight against it.

It is not doubtable that such a strategy constitutes an important step in acknowledging the gravity of these phenomena and the priority that they should represent in the EU agenda, in line with the principles and provisions expressed by the Charter of Fundamental Rights of the European Union.

It has also to be noted that the need to reinforce specific measures and systems for the protection of children, together with the identification of a more effective model of guardianship are among the very first dimensions addressed by the strategy. GATE's scope and objectives have been clearly conceived to contribute in evolving and implementing these crucial aspects which have been contemplated also by the EU strategy.

However, following the theoretical and practical elements suggested by our project, it also appears necessary to highlight some of the possible structural limitations and difficulties in addressing trafficking and exploitation of children that emerge from actual EU strategies and policies and the way they are operated by the Member States at the national level.

It is the opinion of the researchers that these limitations, on a macro level, mirror some of the observations made during our work in the lines of the specialised thematic focus of the project's observation and its analysis of guardianship.

Beyond and behind the analysis, standards, recommendations and practi-

---

<sup>1</sup> Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA - April 2011.

<sup>2</sup> The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 – June 2012.

cal orientations developed for each country by the project, there are some elements from our experience that might contribute to better qualifying the approach to trafficking on a macro-level and propose some orientation to anti-trafficking efforts also at the level of EU policy formulation.

## **A CONTEXTS, RESPONSIBILITIES AND CONDITIONS THAT GENERATE VULNERABILITIES OF CHILDREN TO TRAFFICKING AND EXPLOITATION**

One of the recurrent limitations highlighted by our analysis is the difficulty to expand the attention from a vision which focuses exclusively on trafficking, as if it was a phenomenon per se and not a dynamic process composed by a complex set of factors, towards a systemic analysis aimed at recognizing the structural causes that make this phenomenon (or set of phenomena) possible.

In other words, the reading of currently available material on trafficking often tends to overwhelm a more comprehensive perspective, capable to consider that the possibility for this serious human rights' violation is generated by contexts that are not able to protect persons and sometimes are even producing worrisome conditions of vulnerability for certain groups. It is evident how this perspective strongly recalls responsibilities, which are not just of a commonly defined "criminal" nature.

The expansion to this systemic vision proposes the challenge of integrating the principles and provisions against trafficking with a wider spectrum of human rights principles and provisions that could give real substance to any related strategy and action not just nominally or generically based on international justice and rule of law.

The substantial consideration given by GATE to a human and child rights based perspective, adopted as a point of entry to consider protection, helped in reframing trafficking from another point of view which of course also includes the criminal/prosecution dimension, but primarily considers the problems related with trafficking as connected to the capacity of the context to produce either vulnerability or protection.

This point of observation might suggest useful keys to address an EU perspective on trafficking and further qualify the possibility for the EU Directive and Strategy to generate an impact by adopting elements solidly based on primary prevention.

## **B VICTIMS OR PERSONS FIRST?**

The European strategy emphasizes the need to identify actual or potential victims of trafficking in order to respond to their needs.

The investigation conducted by the project led us to think that in order to generate effective basic conditions for protection it is necessary to recognize that before becoming a victim an individual is a person with basic needs, a specific history and fundamental rights that have to be responded and fulfilled. The consideration of these factors could be intended as the precondition for any protection strategy to be effective.

Although it could seem an obvious statement, the evidence gathered by the research in the various countries highlighted that these basic considerations, which could lead to the determination of an efficient primary protection and prevention strategy, are often overtaken by a “victim-centered” approach. Although a focus on the victim could be considered important from many perspectives, it could lead to forgetting that the real challenge is to avoid having that person become a victim in the first instance.

It is also to be considered that the appreciation of the specific and peculiar needs and rights of each person allows the real possibility to determine a response capable of recreating a customized safe context that by nature is protective. In this perspective, it might not be sufficient to generically address macro conditions that could become fertile ground for trafficking and exploitation such as poverty, social exclusion or lack of education but extend the attention to the well-being and the welfare of each individual to protect him or her from trafficking and exploitation.

In other words, if the EU strategy identifies and spells out broad needs of the victims, our experience would suggest to enlarge the scope of this identification to the broader needs of each single person in order to prevent him or her to from becoming a victim.

These motives are also suggesting that any strategy to be effective needs to consider not only the vulnerability of an individual but also his or her capacities and resources that have to be conceived as fundamental assets to enhance any protective intentions. In this perspective the exclusive focus on the notion of “victim” might lead to a non sufficient consideration of this key dimensions.

At the same time, by applying the circular and interconnected approach that emerged from the GATE investigation, it is worth highlighting the fact that a genuine human rights based approach, along with the identified vulnerabilities, needs to consider as a substantial factor, the capacity of each person to actively participate and exert his/her self-determination. This factor might suggest a particular attention in understanding and adopting the category of victims in order to prevent the possibility for this category to overwhelm other very important dimensions.

## **C CHILD OR MIGRANT?**

In each national context explored through GATE, the migratory status of the child has been observed as the main variable to determine the level of inclusion and exclusion from welfare conditions and rights, which according to a child and human rights based approach should be adequately responded and fulfilled for each person under 18 years in Europe, irrespective to his/her citizenship and status.

If the migratory situation or mobility phenomena are connected to the incurrance of trafficking, as found in the project analysis, GATE proposes to recognize that the structural vulnerabilities of migrants – and their consequent exposure to the risk of trafficking – are mainly determined by the lack of their inclusion in the official welfare and protection system.

When addressing the specific situation of children, we can note that the national protection and welfare systems are strongly discriminating against migrant children regarding being adequately included and considered primarily as children, with all the potential positive consequences of this consideration.

Based on this evidence, it is unavoidable to recognize that any sincere strategy aimed at protecting from trafficking should be able to understand the interlinkages between the migratory status and the conditions that expose a child to trafficking and exploitation.

From the observations conducted, it is found that there is an evident and continuous failure to distinguish the substantial difference in nature between the direct violation of human rights embodied by criminal act like trafficking and exploitation and the situation of individuals that are illegally present on a certain geographical territory. This misinterpretation and overlapping between protection imperatives and migratory control intentions appears to be one of the elements that dumbly risks to constantly generate confusion, lack of trust and dangerous double standards.

Following the Convention on the Rights of the Child and its ratification by all Member States in Europe, the notion of the best interest of the child should be considered of paramount importance. According to the observation conducted in the various European national contexts the lack of practical and cross-cutting recognition of this core human rights principle is a key in determining the exposure to the risk of trafficking and exploitation for children.

The analysis conducted through GATE decided to consider this very principle as a key to identify risk and protection factors. This particular approach allowed the possibility to directly verify in the countries under observation that in many instances it is not the mobility or migratory situation but the migratory status and lack of recognition that represents one of the major conditions that increases children's vulnerability to trafficking and exploitation. From this perspective it is possible to state that the continuous structural and institutional discrimination against migrant children and their full or partial exclusion from the welfare and protection systems constitute a really fertile ground and allow possibilities for criminal intentions to become reality and action.

## **D THE CONDITIONS FOR INTEGRATED AND MULTIDISCIPLINARY RESPONSES**

One of the priorities set by the EU strategy is the call for coordination and policy coherence implemented through a multi-sectoral and multi-disciplinary approach. From our observations, this orientation appropriately responds to the high fragmentation that emerged from the analysis of each national contexts. Policies, mandates, initiatives are all lacking effectively connected efforts, competences and responsibilities.

From the experience developed through GATE emerges a high degree of confusion at all levels for each stakeholder committed to the fight against trafficking in order to map its own effort in a wider and more comprehensive

platform of actions. The impression derived from this evident fragmentation is that the lack of a more systemic definition of anti-trafficking efforts hinder the possibility to generate appropriate synergy despite the perceived emergency and gravity of the problem.

As already mentioned, the focus that was proposed through GATE, attempts to address systemically and with an “ecological” approach to the problem of trafficking, by moving the attention from trafficking to the pre-conditions that make it possible. If on one side it is important to strongly state that trafficking is a crime composed of different factors, on the other, it is not possible to artificially impose such an exclusive criminal definition over the complex interrelated set of factors that allow the perpetration of this act or the conditions that are necessary to avoid it.

More important, if the “positive” key objective of anti-trafficking policies and strategies could be defined as the safeguard of fundamental rights and the fulfillment of fundamental needs of each individual, we found that this is a consistent approach to readdress and redefine trafficking with a holistic perspective able to determine a real multi-disciplinary analysis that has the possibility to be translated into action by an integrated operational platform.

Many observations conducted during the research are leading us to think that a clear and well focused rationale grounded on the well-defined and person-centered objective allows more effectiveness and adaptability of action to qualify a systemic set of responses that could protect from trafficking and exploitation. In simple words, “a child who sees all her/his rights respected and is protected in accordance with the principles and the provisions contained in the Convention of the Rights of the Child, will be highly and appropriately protected and safeguarded from the risk of trafficking and exploitation”.

By adopting this perspective the key trajectory for any antitrafficking effort, cooperation and strategy should focus on increasing the primary protection factors.

## **E WELFARE IS PROTECTION**

One of the first variables that was examined through the GATE process of research has been the level, the degree and the quality of inclusion and exclusion from the welfare and protection systems.

Many elements detected in the different national contexts highlight a scarce degree of connection between specific anti-trafficking measures, the child protection system and the more general system of welfare that should be guaranteed to every child living in a country which has ratified the Convention on the Rights of the Child.

The “specialism” that in many occasions characterise anti-trafficking initiatives and strategies might be seen as an obstacle to connect with the prerogatives that all policies addressed to children should guarantee the maximum level of rights and welfare.

What has been noted is that there are difficulties in mainstreaming the anti-

trafficking discourse to all the domains that determine or might determine the level of risk and protection for children. In this light many actors, with whom the researchers got in contact, demonstrated a limited knowledge and understanding of trafficking and evident unawareness in comprehending what they could do to better contribute to its prevention.

Again, the suggestion deriving from our experience, since the notion of trafficking is encountering difficulties in permeating the more general notion of welfare, is that in order to embody an effective preventive and protective perspective, the welfare system and its capacity to universally include children have to be intended as the first dimension to be addressed by any anti-trafficking efforts.

It has to be said also that in many occasions, both from the institutional as well as from the non governmental side, we encountered many difficulties in involving the specialists related to trafficking in a more comprehensive dimension, which allows one to consider the inclusion into the welfare and wellbeing systems as the precondition to conceive any anti-trafficking policy or measure.

It is worth reiterating that a more holistic and inclusive notion of welfare could be intended as a specular to the set of principles and provisions provided by national and international human rights legislations. In more simple words, we can state that a human rights based approach should not just concentrate on the violation of rights but first and primarily on the construction of those conditions that will deter such violations from happening. It is also from this perspective that the result of our observations leads us to think that an efficient, inclusive and non discriminative welfare system might be considered the real basis for any anti-trafficking strategy in Europe.

## **F GUARDIANS AND GUARDIANSHIP TO DEVELOP CHILD FOCUSED POLICIES**

Guardianship and guardians have been conceived throughout the project as key institutions and work towards embodying the protection prerogatives against trafficking and exploitation of migrant separated children. In fact guardians, in their tertiary role, which aims at guaranteeing the exercise of entitled rights and the protection to each child, should continuously question their capacity to respect and implement their duties towards children. Taken from this perspective, guardianship could be seen and interpreted as the embodiment of the paradigm of institutional protection.

Considering the previous suggestions and the specific description of the tasks and duties that we have developed through this initiative, it is possible to state that guardians could play a key function in practically emancipating the notion of protection. At the same time, they could facilitate the evolution of its definition towards an always more universal inclusion of all children, especially those who, outside the context of their family are encountering difficulties and risk.

The model of guardianship that emerges from our proposals is definitely shaping a protective function, in relation to the specific situation of each child, but also a fundamental role of guardians in promoting a more structural change in order to create inclusive and safe contexts, where risks are

minimized for each child. This is definitely a proactive function that GATE suggests for guardians, who are seen as fundamental contributors to a social change based on human and children rights principles and provisions.

## G INTENTIONS AND PERSPECTIVES

GATE has been conceived and implemented to provide a substantial contribution to a better definition of the role of guardians and guardianship in order to protect children from trafficking and exploitation. The high aspiration of this work is to be useful and supportive to the challenging work of guardians in performing better and more effectively their functions.

The intention of this work is also to provide elements that could inspire policy reform and legislative development at national and international level in order to reinforce the human rights dimension and the centrality of every person in every action aimed at fighting trafficking in human beings.

Although mainly concentrated on the objective of qualifying guardianship, in relation to trafficking, the attempt has also been to provide a perspective aimed at restructuring the idea of trafficking as well as identify approaches to this problem that could reduce the vulnerability which many individuals have experienced in contemporary Europe. As it has already been reiterated, addressing and responding to these vulnerabilities is a fundamental element of the fight against trafficking and exploitation.

Many of the variables that derived from GATE are already in use, in order to implement a new set of actions and projects aimed at promoting a systemic analysis on the welfare systems in Europe in their capacity to prevent child trafficking and exploitation<sup>3</sup>. The further definition of guardians and guardianship in Europe is necessary to be considered as a key to prevent and protect children from trafficking and consistent action and programmes are already in place to continue in this direction<sup>4</sup>.

The conclusion of this work is necessarily accompanied by the simple hope that GATE and its production can contribute to strengthening efforts and new ideas in better protecting children and their rights from any form of violence, abuse, injustice and discrimination. Together with the definition of technical and programmatic response, the experience conducted with GATE suggests that the availability to observe phenomena from a different perspective, more close to the child experience perspective and aspiration is key for the realization of this scope<sup>5</sup>.

---

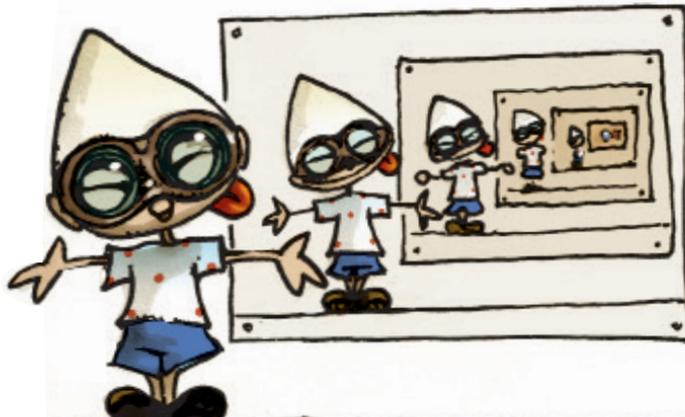
<sup>3</sup> In connection to the GATE project, IMPACT - Improving and Monitoring Protection systems Against Child Trafficking and exploitation, a project supported by the Prevention of and Fight against Crime Programme of the EU (ISEC), started in September 2013 and aims at mainstreaming prevention and protection against trafficking across welfare and child protection systems at national and European level.

<sup>4</sup> In light of this direction, Closing a Protection GAP II, has recently begun and constitutes the second phase of an EU initiative, leaded by Defence for Children International. It is supported by the EU Daphne programme and it aims at defining and implementing an effective child and human rights based model of guardianship in Europe.

<sup>5</sup> In relation to this new perspective introduced in GATE, RESILAND - Participation capacities and resilience of children on the move against trafficking and exploitation, is a transnational project, which will commence in spring/summer 2013. It is supported by the Prevention of and Fight against Crime Programme of the EU (ISEC) and aims at reinforcing the resiliency and self determination of children as key dimensions for their protection.

# PART 4

BIBLIOGRAPHY



---

## PART 4 - BIBLIOGRAPHY

### A. GREECE

- Alikhan, S. and Floor, M. for UNHCR's Bureau for Europe, 2007, *Guardianship Provision Systems for Unaccompanied and Separated Children Seeking Asylum in Europe: Initial Mapping*, available at <http://www.defenceforchildren.nl/images/42/658.pdf> (accessed September 2012)
- Amnesty International USA, 2007, *Greece: Uphold the rights of women and girls trafficked for sexual exploitation*, available at: <http://www.amnesty.org/en/library/asset/EUR25/002/2007/en/113b8458-d38f-11dd-a329-2f46302a8cc6/eur250022007en.pdf> (accessed September 2012)
- Amnesty International Australia, 12 June 2007, *Sex slavery on the rise*, available at: <http://www.amnesty.org.au/news/comments/1677/> (accessed September 2012)
- Amnesty International, *Amnesty International Annual Report 2011 - Greece, 13 May 2011*, available at: <http://www.unhcr.org/refworld/docid/4dce1568c.html> (accessed September 2012)
- Anastasiou A., Vassiliou A., 2008, *Unaccompanied Minors: Good practices in the implementation of EC Directives. Commissioned by the Greek Council for Refugees, Athens, Greece. This publication is part of the project "Identifying and promoting Good Practices for Unaccompanied Minors in the EU Asylum Legislation" co-financed by the European Commission* available at: <http://www.gcr.gr/sites/default/files/image/AaFinal-Report.pdf>
- Andreou N. Philippos, (2005), *Poinikos Kodikas, Sakkoula, Athens, Greece*.
- ANTIGONE Information and Documentation Centre on racism, ecology, peace and non violence, 2012, *Collection of Legislation and Best Practices on Minors, Unaccompanied Minors and Asylum Seekers in Greece*. In the framework of the project JLS/2009/ ERFX/CA/1024, October 2010 - May 2012. Co-funded by the EU.
- Centre for European Constitutional Law, 2009, *European Migration Network: Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors – an EU comparative study. Report on Greece*, available in Greek at: [http://emn.yypes.gr/media/15788/unaccompanied%20minors\\_gr.pdf](http://emn.yypes.gr/media/15788/unaccompanied%20minors_gr.pdf) (accessed September 2012) and in English at: <http://emn.intrasoft-intl.com/Downloads/download.do?sessionid=7A7DFE2E76223E957654727CE8566ADC?fileID=894> (accessed September 2012)
- Centre for the Study of Democracy, 2012, *Integrating refugee and asylum-seeking children in the educational systems of EU members. This publication has been produced with the financial support of the European Refugee Fund*, available at: [http://www.csd.bg/fileadmin/user\\_upload/INTEGRACE\\_handbook.pdf](http://www.csd.bg/fileadmin/user_upload/INTEGRACE_handbook.pdf) (accessed September 2012)
- Committee on the Rights of the Child, 2005, General Comment No. 6(2005), *Treatment of Unaccompanied and Separated Children outside their Country of Origin*, available at: <http://www2.ohchr.org/english/bodies/crc/docs/GC6.pdf> (accessed September 2012)
- Council of Europe: Parliamentary Assembly, *Unaccompanied children in Europe: issues of arrival, stay and return, 21 March 2011, Doc. 12539*, available at: <http://www.unhcr.org/refworld/docid/4d8b1e002.html> (accessed 19 February 2013)
- Delbos L., Carlier M. De donato M., Pavlou M. in collaboration with Poulou M., Gallardo A. & Martin P., Palmieri N. & Benassi E., 2010, *The reception and care of unaccompanied minors in eight countries of the European Union: Comparative study and harmonisation prospects - Spain - France - Great Britain - Greece - Hungary - Italy - Romania - Sweden. Final Report. Project co-funded by the European Union's Fundamental Rights and Citizenship programme*, available at: <http://resourcecentre.savethechildren.se/content/library/documents/reception-and-care-unaccompanied-minors-eight-countries-european-union-comp> (accessed September 2012)
- Dimitropoulou G. and Papageorgiou I., 2008, *Unaccompanied Minors Asylum Seekers in Greece: A study on the treatment of unaccompanied minors applying for asylum in Greece*. Commissioned by UNHCR's Office in Greece, UNHCR, Athens.
- European Committee for the Prevention of the Torture and Inhuman or Degrading Treatment or Punishment, 2006, *Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 August to 9 September 2005, (CPT)/Inf (2006)41, Strasbourg, 20 December 2006*
- European Migration Network, 2011, *Policies on reception, return and integration arrangements for and numbers of Unaccompanied Minors - an EU comparative study, Produced by the European Migration Network (EMN), and was completed by the European Commission, in co-operation with the 22 EMN National Contact Points participating in this activity*, available at: [http://www.ab.gov.tr/files/ardb/evt/1\\_avrupa\\_birligi/1\\_9\\_politikalar/1\\_9\\_8\\_dis\\_politika/Policies\\_on\\_reception\\_return\\_and\\_integration\\_for\\_and\\_numbers\\_of\\_unaccompanied\\_minors.pdf](http://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_9_politikalar/1_9_8_dis_politika/Policies_on_reception_return_and_integration_for_and_numbers_of_unaccompanied_minors.pdf) (accessed September 2012)
- European Migration Network, 2009, *The practice in*

- Greece concerning the granting of non – EU harmonised protection statuses - Report on Greece, available at: [http://www.sisekaitse.ee/public/ERV/synthesis\\_reports/0\\_EMN\\_Synthesis\\_Report\\_NonEUhar74\\_Part5 - Bibliography monised\\_FinalVersion\\_January2011.pdf](http://www.sisekaitse.ee/public/ERV/synthesis_reports/0_EMN_Synthesis_Report_NonEUhar74_Part5 - Bibliography monised_FinalVersion_January2011.pdf) (accessed September 2012)
- European Migration Network, 2010, *Policies on reception, return and integration arrangements for Unaccompanied Minors - an EU comparative study*, available at: [http://www.ab.gov.tr/files/ardb/evt1\\_avrupa\\_birligi/1\\_9\\_politikalar/1\\_9\\_8\\_dis\\_politika/Policies\\_on\\_reception\\_return\\_and\\_integration\\_for\\_and\\_numbers\\_of\\_unaccompanied\\_minors.pdf](http://www.ab.gov.tr/files/ardb/evt1_avrupa_birligi/1_9_politikalar/1_9_8_dis_politika/Policies_on_reception_return_and_integration_for_and_numbers_of_unaccompanied_minors.pdf) (accessed September 2012)
- FRONTEX (European Agency for the Management of Operational Cooperation at the external Borders of the Member states of the European Union), 2010, *Unaccompanied Minors in the Migration Process, FRONTEX, Warsaw, Poland*.
- Goeman M., Fournier K, Gittrich T., Van Os C., Gallizia G., Neufeld I., Bellander E., Arnold S., Uzelac M., 2011, *Core Standards for guardians of separated children in Europe: Goals for guardians and authorities. Defence for Children – ECPAT The Netherlands, The Netherlands. With the financial support of the Daphne III Programme of the European Commission*.
- Greek National Commission for Human Rights, *Observations regarding the issue of Unaccompanied Minors, 15th of February 2007*, available in Greek at: [http://www.nchr.gr/media/gnwmateuseis\\_eeda/paidia/unaccompanied\\_minors15022007.doc](http://www.nchr.gr/media/gnwmateuseis_eeda/paidia/unaccompanied_minors15022007.doc) (accessed September 2012)
- Human Rights Watch, 2008, *Left to Survive: Systematic Failure to Protect Unaccompanied Migrant Children in Greece*, Human Rights Watch, New York.
- Human Rights Watch, 2012, *Human rights watch's updated submission to the Committee on the rights of the child on Greece*, available at: <http://www.Hrw.Org/news/2012/04/25/human-rights-watchesupdated-submission-committee-rightschild-greece> (accessed september 2012)
- IOM (International Organization for Migration), 2002, *Trafficking in Unaccompanied Minors in the European Union: Belgium, France, Germany, Greece, Italy, The Netherlands, Spain. This publication is the result of two projects funded by the European Commission's STOP Programme in 2000/2001 and 2001/2002* available at: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/studies\\_and\\_reports/trafficking\\_minors\\_eu.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/studies_and_reports/trafficking_minors_eu.pdf) (accessed September 2012)
- Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors, 12 July 2007, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1164769&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75> (accessed September 2012)
- SCEP (Separated Children in Europe Programme), 2012, *Position Paper on Age Assessment in the Context of Separated Children in Europe. With the financial support from the European Commission, Daphne III Program*, available at: [http://umf.asyl.at/files/DOK45Age\\_Assessment\\_PP.pdf](http://umf.asyl.at/files/DOK45Age_Assessment_PP.pdf) (accessed September 2012)
- The Greek Ombudsman, Department of Children's Rights, 2012, *Parallel Report to the UN Committee on the rights of the Child: Findings and recommendations of the Independent Authority "the Greek Ombudsman" on the implementation of the Children's Rights in Greece (July 2003-December 2011)*, available at: <http://www.synigoros.gr/resources/parallel-reportun--3.pdf> (accessed September 2012)
- United Nations, 2000, *"United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime"* available at: [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf) (accessed September 2012)
- UNHCR, 2009, Briefing Notes, *UNHCR alarmed by detention of unaccompanied children in Lesvos, Greece*, available at: <http://www.unhcr.org/4a97cb719.html> (accessed September 2012).
- UNHCR, 2010, *Improving Asylum Procedures: Comparative Analysis and Recommendations for Law and Practice - Key Findings and Recommendations*, available at: <http://www.unhcr.org/refworld/docid/4bab55752.html> (accessed 19 February 2013)
- UNHCR, 2009, *Observations on Greece as a country of asylum*, available at <http://www.unhcr.org/refworld/docid/4b4b3fc82.html> (accessed on September 2012).
- UNHCR, 2010, *Trees only move in the wind: A study of unaccompanied Afghan children in Europe*, PDES/2010/05 June 2010, available at: <http://www.unhcr.org/4c1229669.html> (accessed September 2012)
- UNHCR Committee on the Rights of the Child, 2005, *General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, UN Doc. CRC/GC/2005/6, available at: [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\\$FILE/G0543805.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/$FILE/G0543805.pdf) (accessed September 2012)
- UNHCR Committee on the Rights of the Child, 2012, *Optional Protocol on the sale of children, child prostitution and child pornography: List of issues concerning additional and updated information related to the consideration of the initial reports of Greece (CRC/C/OPSC/GRC/1), CRC/C/OPSC/GRC/Q/1/Add.1*, available at: [http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC\\_C\\_OPSC\\_GRC\\_Q\\_1\\_Add1.pdf](http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_OPSC_GRC_Q_1_Add1.pdf) (accessed September 2012)
- UNHCR, Ministry of Interior-General Secretariat for Gender Equality and Ministry of Citizen Protection, 2011, *Guidelines for Protecting Women and Girls during first entry and asylum procedures in Greece*, available at: [http://www.isotita.gr/var/uploads/PUBLICATIONS/GGIF%20PUBLICATIONS/Asylum\\_Guidelines\\_en\\_nov2011.pdf](http://www.isotita.gr/var/uploads/PUBLICATIONS/GGIF%20PUBLICATIONS/Asylum_Guidelines_en_nov2011.pdf) (accessed September 2012)
- UNHCR, France Terre d' Asile, *Save the Children and PRAKSIS, 2012, Protecting children on the move: Addressing protection needs through reception, counselling and referral, and enhancing cooperation in Greece, Italy and France. This publication has been produced with the assistance of the European Union*, available at: <http://www.unhcr.it/cms/attach/editor/PDF/Protecting%20children%20on%20the%20move%202012.pdf> (accessed September 2012)
- UNHCR, 1997, *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*, available at: <http://www.coe.int/t/dg3/children/GuidelinesUCSAeng.pdf> (accessed September 2012)
- UNICEF, 2000, *Survey, The Street Children in Greece*, (mimeo) available in Greek at <http://www.unicef.gr/reports/alko/street.php>. (accessed September 2011).
- Winslow, Robert, *Crime and Society: a comparative criminology tour of the World: Greece*, available at: <http://www-rohan.sdsu.edu/faculty/rwinslow/europe/greece.html> (accessed September 2012)

World Organisation Against Torture (OMCT), *Greek Helsinki Monitor (GHM), Minority Rights Group – Greece (MRG-G), Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADRE) and Albanian Helsinki Committee, 2012, Greece: 502 Albanian*

*Roma Children missing since 1998-2002. Indifference and Impunity. An update on the “Aghia Varvara” case*, available at: [http://www2.ohchr.org/english/bodies/crc/docs/ngos/Greece\\_GreekHelsinki-Monitor\\_CRC60Addendum2.pdf](http://www2.ohchr.org/english/bodies/crc/docs/ngos/Greece_GreekHelsinki-Monitor_CRC60Addendum2.pdf) (accessed September 2012).

## B. ITALY

### Immigration

Amnesty International (2006) *Invisibili. Minori migranti detenuti all'arrivo in Italia*, Torino, EGA.

Amnesty International (2007) *Dodici mesi dalla parte dei minori migranti detenuti all'arrivo in Italia*, Rome.

A.N.C.I. (National Association of Italian Municipalities) (2009) *Minori stranieri non accompagnati. Terzo Rapporto ANCI 2008* (edited by M. Giovannetti), Rome.

A.N.C.I. (National Association of Italian Municipalities) (2012) *I minori stranieri non accompagnati in Italia. IV Rapporto ANCI Cittalia*, Rome.

Bethke, M. - Bender, D., (2010) *The living conditions of refugees in Italy*, Förderverein PRO ASYL e.V., Frankfurt.

Candia, G. - Carchedi, F. - Giannotta, F. - Tarzia, G., (ed.) (2009) *Minori erranti. L'accoglienza e i percorsi di protezione*, Ediesse, Rome.

Caritas/Migrantes (2011) *Dossier Statistico Immigrazione - 2011. XXI Rapporto sull'Immigrazione*, Idos, Rome.

Moro, C. A., (2008) *Manuale di diritto minorile, IVth Edition*, edited by L. Fadiga, Zanichelli, Bologna.

Con-Red Project (2005) *Routes of Small Dreams. Unaccompanied migrant minors in Europe. A comparative report*, Fundació Pere Tarrès, Barcelona.

Costella, P. - Furia, A. - Lanti, M.P., (2010) *Dignitas: manuale operativo per ridurre le vulnerabilità e promuovere le risorse nel sistema asilo*, available at: <http://www.manuale-dignitas.it> (Accessed May 2012).

Committee on the Rights of the Child (2011) *Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Italy*, CRC/C/ITA/CO/3-4, available at: <http://tb.ohchr.org/default.aspx?country=it> (Accessed May 2012).

European Migration Network (EMN) (2009) *Unaccompanied Minors: Quantitative aspects and Reception, Return and Integration Policies. Analysis of the Italian Case For a Comparative Study*, (ed. by F. Pittau, A. Ricci, L. Ildiko Timsa), Rome.

European Migration Network (EMN) (2012) *Practical responses to irregular migration: the Italian case*, (ed. by R. Callia, M. Giuliani, Z. Pasztor, F. Pittau, A. Ricci), Rome.

Fasani, F., (2009) *Undocumented Migration. Counting the Uncountable. Data and Trends across Europe, Clandestino Project*, available at: [http://irregular-migration.net/typo3\\_upload/groups/31/4.Background-Information/4.4.Country-Reports/Italy-CountryReport-Clandestino\\_Nov09\\_2.pdf](http://irregular-migration.net/typo3_upload/groups/31/4.Background-Information/4.4.Country-Reports/Italy-CountryReport-Clandestino_Nov09_2.pdf) (Accessed May 2012).

Furia, A., (2012) *Victims or criminals? The vulnerability of separated children in the context of migration in the United Kingdom and Italy*, *Sussex Center for Migration Research Working Papers*, n. 69, available at: <http://www.sussex.ac.uk/migration/publications/workingpapers> (Accessed July 2012).

Furia, A. - Gallizia, G., (2011) *Closing a Protection Gap: core standards for guardians of separated children in Europe, Italian National Report, 2010-2011*, Daphne III Project, Defence for Children International - Italy, available at: <http://www.defenceforchildren.it/cosafacciamo/diritti-in-movimento/closing-a-protection-gap.html> (Accessed July 2012).

Giolo, O. - Pifferi, M., (ed.) (2009) *Diritto contro. Meccanismi giuridici di esclusione dello straniero*, Giappichelli, Torino.

Giovannetti, M., (2009) *L'accoglienza incompiuta. Le politiche dei comuni italiani verso un sistema di protezione nazionale dei minori stranieri non accompagnati*, il Mulino, Bologna.

Maccanico, Y., (2009) *Italy: The internal and external fronts: security package and returns*, Statewatch Analysis, Statewatch, available at: <http://www.statewatch.org/analyses/no-100-italy-internal-external-fronts.pdf> (Accessed April 2012).

Mai, N., (2011) *Tampering the Sex of 'Angels': Migrant Male Minors and Young Adults Selling Sex in the UK*, *Journal of Ethnic and Migration Studies*, Vol. 37, n. 8, pp. 1237-1252.

Miazzi, L. - Perin, G., (2009) *Legge 94/2009: peggiora anche la condizione dei minori stranieri*, *Diritto, immigrazione e cittadinanza*, n. 4, pp. 178-209.

Miazzi, L., (2000) *Il rimpatrio assistito del minore straniero: ancora un caso di diritto speciale?*, *Diritto, immigrazione e cittadinanza*, n. 2, pp. 34-49.

Pepino, L., (2009) *Le migrazioni, il diritto, il nemico. Considerazioni a margine della legge 94/2009*, *Diritto, immigrazione e cittadinanza*, n. 4, pp. 9-20.

Pepino, L., (2008) *Meccanismi di esclusione e diritto penale del nemico*, paper presented at the conference on “Il carcere tra reinserimento ed esclusione”, Pisa, 1 marzo 2008, pp. 1-15, available at: <http://www.europeanrights.eu/getFile.php?name=public/commenti/liviopepino.pdf> (Accessed September 2012).

Pratelli, F., (n.d.) *L'espulsione del minore extracomunitario in Italia*, available at: <http://www.altrodiritto.unifi.it/ricerche/migranti/pratelli/index.htm> (Accessed September 2012).

Progetto Equal Palms (2007) *Strumenti e ricerche, vol. II, Pratiche di accoglienza II. Identificazione, regolarizzazione, tutela e affidamento*, Rome.

Rozzi, E., (2008) *The situation of EU and non-EU separated children in Italy*, *E-Migrinter*, n. 2, pp. 13-26, available at: [http://www.mshs.univ-poitiers.fr/migrinter/emigrinter/200802/emigrinter2008\\_02\\_013.pdf](http://www.mshs.univ-poitiers.fr/migrinter/emigrinter/200802/emigrinter2008_02_013.pdf) (Accessed September 2012).

Santoro, E., (2010) *La regolamentazione dell'immigrazione come questione sociale: dalla cittadinanza inclusiva al neoschiavismo*, in Santoro, E. (ed.), *Diritto come questione sociale*, Giappichelli, Torino, pp. 129-180.

- Save the Children - Italia (2009(a) *Accoglienza e tutela dei diritti dei minori nel Centro di Lampedusa*, Roma, available at: [http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id\\_object=28&id\\_category=16](http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id_object=28&id_category=16) (Accessed August 2012).
- Save the Children - Italia (2009(b) *L'accoglienza dei minori via mare. Rapporto finale di monitoraggio delle comunità alloggio per minori in Sicilia*, Roma, available at: [http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id\\_object=24&id\\_category=16](http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id_object=24&id_category=16) (Accessed August 2012).
- Save the Children - Italia (2009(c) *Analisi del quadro giuridico dei rinvii in Libia dei migranti rintracciati in acque internazionali*, Rome, available at: [http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id\\_object=137&id\\_category=16](http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id_object=137&id_category=16) (Accessed August 2012).
- Save the Children - Italia (2010(a) *L'accoglienza dei minori in arrivo via mare in Sicilia, Puglia e Marche, III rapporto di monitoraggio delle comunità alloggio per minori in Sicilia - Progetto Praesidium V*, Rome, available at: [http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id\\_object=130&id\\_category=16](http://www.savethechildren.it/IT/Tool/Pubblicazioni/Related?id_object=130&id_category=16) (Accessed August 2012).
- Save the Children - Italia (2010(b) *Protocollo su "determinazione dell'età nei minori non accompagnati" emesso nel giugno 2009 dal Ministero del Lavoro, della Salute e delle Politiche sociali. Analisi e posizione di Save the Children - Italia*, Rome, available at: <http://legale.savethechildren.it/+accertamento-eta+> (Accessed September 2012).
- SECP-Separated Children in Europe Programme (2010) *Statement of Good Practice, 4<sup>th</sup> Revised Edition*, Separated Children in Europe Programme, available at: [http://www.separated-children-europe-programme.org/separated\\_children/good\\_practice/index.html](http://www.separated-children-europe-programme.org/separated_children/good_practice/index.html) (Accessed January 2012)
- SECP-Separated Children in Europe Programme (2011) *Review of current laws, policies and practices relating to age assessment in sixteen European Countries*, Separated Children in Europe Programme, available at: <http://resourcecentre.savethechildren.se/content/library/documents/review-current-laws-policies-and-practices-relating-age-assessment-sixteen> (Accessed January 2012).
- SPRAR (2011) *Rapporto annuale del Sistema di Protezione per richiedenti asilo e rifugiati. Anno 2010/2011*, SPRAR, Rome.
- Terre des Hommes (2012) *Guida Giuridica per operatori impegnati nell'accoglienza di minori stranieri non accompagnati*, available at: <http://www.terredeshommes.it/guida-giuridica-per-operatori/index.html> (Accessed September 2012).
- UNHCR (2012) *Protecting children on the move. Addressing protection needs through reception, counseling and referral, and enhancing cooperation in Greece, Italy and France*, available at: <http://www.unhcr.it/cms/attach/editor/PDF/Prot%20Children%20On%20The%20Move.pdf> (Accessed August 2012).
- UNICEF - Innocenti Research Center (2007) *Law Reform and Implementation of the Convention on the Rights of the Child*, available at: <http://www.unicef-irc.org/publications/493> (Accessed September 2012).
- Candia, G. - Carchedi, F. - Giannotta, F. - Tarzia, G., (ed.) (2009) *Minori erranti. L'accoglienza e i percorsi di protezione*, Ediesse, Rome.
- Carchedi, F. - Orfano, I., (ed.) (2008) *La tratta di persone in Italia vol. 1 - Evoluzione del fenomeno ed ambiti di sfruttamento*, On the road - Sezione osservatorio tratta, Franco Angeli, Milano.
- ECPAT - the Netherlands (2003) *Trafficking in children for sexual purposes: Update country report - Italy*, available at: <http://www.ecpat.nl/images/13/380.pdf> (Accessed May 2012).
- E-notes (2010) *Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009)*, Project "European NGOs Observatory on Trafficking, Exploitation and Slavery" (cod. JLS/2008/ISEC/AG/072), Prevention of and Fight against Crime Programme of the European Commission, Associazione On the Road.
- Fachile, S., (n.d.) *Il permesso di soggiorno per motivi umanitari ex art. 18 T.U. Immigrazione. Un importante strumento di tutela per le persone straniere che scontano un pena*, available at: <http://www.ristretti.it/areestudio/stranieri/iniziativa/permesso.htm> (Accessed May 2012).
- FRA - European Union Agency for Fundamental Rights (2009(a) *Thematic study on child trafficking: Italy*, available at: <http://fra.europa.eu/fraWebsite/attachments/Child-trafficking-09-country-it.pdf> (Accessed May 2012).
- FRA - European Union Agency for Fundamental Rights (2009(b) *Child Trafficking in the European Union - Challenges, perspectives and good practices*, available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/529-Pub\\_Child\\_Trafficking\\_09\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/529-Pub_Child_Trafficking_09_en.pdf) (Accessed September 2012)
- Martini, F., (n.d.) *Perché i diritti abbiano cittadinanza. I progetti attuati dal Centro Pari Opportunità della Provincia di Genova volti alla lotta contro la tratta e la riduzione in schiavitù. Dalle origini a come si sono evoluti*, Oltre la Strada - Nuovi Orizzonti, Provincia di Genova, Genova.
- Nicodemi, F., (2011), *La normativa in materia di tratta di persone, I Quaderni del CESVOT*, n. 53, pp. 93-135.
- Oltre la Strada - Nuovi Orizzonti (2009) *Trattare la tratta: aspetti sociali, normativi e sanitari*, Provincia di Genova - Assessorato alle Pari Opportunità, Genova.
- Petrini, D. - Ferraris, V., (2002) *Analisi dell'art. 18 nel quadro della legislazione sull'immigrazione e della lotta alla criminalità organizzata. Storia e premialità dell'istituto e dei suoi antecedenti*, in *On The Road* (ed.) *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (l'Italia e gli scenari europei)*, Rapporto di Ricerca, On The Road, Martinsicuro (TE).
- Save the Children - Italia (2007) *Protocollo di identificazione e supporto dei minori vittime di sfruttamento e tratta*, Save the Children -Italia, Rome.
- Scarpa, S., (2008) *Trafficking in Human Beings*, Oxford University Press, Oxford.
- Testai, P., (2008) *Victim Protection Policy in Italy: Between 'Emancipation' and 'Redemption', St Anthony's International Review, Special Issue, The Politics of Human Trafficking*, Vol. 4, n. 1, pp. 37-57.
- The Protection Project (2011) *The protection project review of the Trafficking in persons report*, The Protection Project.
- UNODC (2009) *Global Report on Trafficking in Persons*, UNODC.

## Trafficking and exploitation

Bonetti, M., (2011) *Il sistema nazionale di intervento, I Quaderni del CESVOT*, n. 53, pp. 17-33.

## Guardianship

- Candia, G. - Carchedi, F. - Giannotta, F. - Tarzia, G., (ed.) (2009) *Minori erranti. L'accoglienza e i percorsi di protezione*, Ediesse, Rome.
- Drigo, C., (2009) La tutela legale: l'esperienza dell'Ufficio del Pubblico Tutore del Veneto, *Pace diritti umani*, n. 2, pp. 41-57.
- Drigo, C. - Santamaria, F., (ed.) (2009) *Tutori Volontari e bambini. L'esperienza del Garante per l'infanzia del Veneto*, Guerini, Milano.
- Drigo, C. - Santamaria, F., (ed.) (2008) *Un'esperienza di cittadinanza attiva. Gli esiti del percorso di riflessione sul Progetto tutori*, Ufficio del Pubblico Tutore per i minori della Regione Veneto, Venezia/Mestre.
- Furia, A. - Gallizia, G., (2011) *Closing a Protection Gap: core standards for guardians of separated children in Europe, Italian National Report, 2010-2011*, Daphne III Project, Defence for Children International - Italy, available at: <http://www.defenceforchildren.it/cosa-facciamo/diritti-in-movimento/closing-a-protection-gap.html> (Accessed July 2012).
- Occhiogrosso, F.P., (2009) *Tutela e protezione dei minori*, Intervento formativo "Scuola per tutori volontari per minori", Udine, 7 febbraio 2009, available at: <http://www.regione.fvg.it/tutoreminori/documentazione.asp> (Accessed June 2012).
- Progetto Equal Palms (2007) *Strumenti e ricerche, vol. II, Pratiche di accoglienza II. Identificazione, regolarizzazione, tutela e affidamento*, Rome, (<http://www.progettopalms.it>).
- Public Guardian for Minors - Region of Veneto (2009) Orientamenti per i tutori legali dei minori di età. Funzioni, responsabilità e buone prassi, *Quaderni. Linee guida e orientamenti per la promozione e la cura dell'infanzia e dell'adolescenza*, n. 3, pp. 1-186.
- Tarzia, G., (2008) Il minore straniero non accompagnato: quale tutela nel sistema legislativo italiano?, *Minorigiustizia*, n. 3, pp. 188-196.
- Turri, G. C., (2004) *Un tutore per i minori stranieri non accompagnati*, paper presented at the conference on "L'infanzia "privata": Il ruolo tutela dell'adulto, Ancona.

## C. THE NETHERLANDS

- Aarts, J. and Staring, R. (2010) *Jong en illegaal in Nederland*, WODC, available at: <http://repub.eur.nl/res/pub/21445/Jong%20en%20illegaal.pdf>.
- Britton, B. (2001), *Separated Children in Europe Programme Training Guide*, available at: <http://www.jrseurope.org/accompanydetainees/docs/SCE%20Guide.pdf>.
- Bruin, R., (2012) *Individuele toelatingsgronden, Asiel & Migrantenrecht*, nr. 3, pp.160-161. Bureau Nationaal Rapporteur Mensenhandel (BNRM) (2012), *Opsporing van mensenhandel en de B9 regeling. Vreemdelingrechtelijke en strafrechtelijke aspecten van geseponeerde mensenhandelzaken*, available at: <http://www.bnrm.nl/rapportages/B9/>.
- CoMensha, (2012) *Jaarcijfers Comensha, Aard en omvang mogelijke slachtoffers mensenhandel 2011 in Nederland*, available at: <http://www.mensenhandel.nl/cms/docs/jaarcijfers2011comensha.pdf>.
- Commissie Leefijdsonderzoek, (2012), *Rapport Commissie Leefijdsonderzoek*, available at: <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2012/04/24/rapport-commissie-leefijdsonderzoek.html>.
- Defence for Children-ECPAT NL, (2010) *Enhancing Vulnerable Asylum Seeker Protection*, available at: <http://www.evasp.eu/dutchReport-.pdf>.
- Defence for Children, (2011a) *Mensenrechtencommissaris bekritiseert Nederlands leefijdsonderzoek*, available at: <http://www.defenceforchildren.nl/p/53/2162/mo89-mc190/mo124-m0/mo125-cg196/mensenrechtencommissarisbekritiseert-nederlands-leefijdsonderzoek>.
- Defence for Children, (2011b) *Jaarbericht Kinderrechten*, available at: <http://www.defenceforchildren.nl/p/59/2110/mo89-mc21/mo45-mc52/jaarbericht-kinderrechten-2011>.
- ECPAT (2008), *Bestrijding van handel in en seksuele uitbuiting van minderjarigen. Training voor beroepskrachten werkzaam in de opsporing, vervolging, opvang en hulpverlening*, available at: <http://www.ecpat.nl/images/13/552.pdf>.
- ECPAT, (2011) *Global monitoring report*, available at: <http://www.ecpat.nl/p/1/137/mo45-mc55/publicaties-ecpat>.
- Essaklili, S., (2007) *Seeking asylum alone in the Netherlands*, Vrije Universiteit Amsterdam, p. 31.
- European Migration Network (2010), *Alleenstaande minderjarige vreemdelingen in Nederland*, available at: [http://www.emnetherlands.nl/EMN\\_rapporten/2010/Alleenstaande\\_Minderjarige\\_Vreemdelingen\\_in\\_Nederland](http://www.emnetherlands.nl/EMN_rapporten/2010/Alleenstaande_Minderjarige_Vreemdelingen_in_Nederland).
- Goeman, M. en Van Os, C. (2010) *Closing a protection gap: National report, Defence for Children*, available at: <http://www.defenceforchildren.nl/p/43/522/mo89-mc97/english>.
- Goeman et al. (2011) *Closing a protection gap: Core Standards for guardians of separated children of separated children in Europe, goals for guardians and authorities*, available at: <http://www.defenceforchildren.nl/images/69/1632.pdf>.
- Inspectorate for Youth Care (Inspectie Jeugdzorg) (2006), *Doelgerichte ontwikkeling AMA's*, available at: <http://www.inspectiejeugdzorg.nl/documenten/Landelijk%20rapport%20AMA%20s%20feb%2006.pdf>.
- Inspectorate for Youth Care (Inspectie Jeugdzorg) (2011), *De voogdijtaak van Nidos*, available at: <http://www.inspectiejeugdzorg.nl/documenten/DEF%20Eindrappart%20Nidos%20sept.2011.pdf>.
- Inspectorate for Youth Care (Inspectie Jeugdzorg) (2012), *Grootschalige opvang van alleenstaande minderjarige vreemdelingen*, available at: <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2012/05/21/rapportgrootschalige-opvang-van-alleenstaandeminderjarige-vreemdelingen.html>.
- Halvorsen, K., (2008) *Separated children seeking asylum; the most vulnerable of all*, FMR, Vol. 12, nr. 7, pp. 34-36.

- Kinderechtcollectief (2012), *Kinderrechten in Nederland 2008-2012. De vierde ngo-rapportage van het Kinderrechtencollectief aan het VN-Kinderrechtencomitee*, available at: <http://www.defenceforchildren.nl/images/68/1760.pdf>.
- Kromhout et al., (2010) WODC, *Tussen beheersing en begeleiding: een evaluatie van de pilot 'beschermde opvang risico-AMV's*, available at: <http://wodc.nl/onderzoeksdatabase/evaluatie-pilot-beschermde-opvang-alleenstaandeminderjarige-vreemdelingen.aspx?cp=44&cs=6799>.
- Lodder, G.G. and Rodrigues, P.R. eds. (2012), *Het kind in het immigratierecht. The Hague: Sdu Uitgevers*.
- Ministry of Justice, Immigration Coordination Department (SCV), (2006) *Rapportage vreemdelingenketen over de periode september - december 2005*.
- Nidos (2008), *Jaarverslag 2008*, available at [www.nidos.nl](http://www.nidos.nl).
- Nidos (2010), *Jaarverslag 2010*, available at [www.nidos.nl](http://www.nidos.nl).
- Nidos (2011), *Jaarverslag 2011*, available at [www.nidos.nl](http://www.nidos.nl).
- Separated Children in Europe Programme (May 2011), *Review of current laws, policies and practices relating to age assessment in sixteen European countries*, p. 18-20, available at: [http://www.separated-children-europe-programme.org/separated\\_children/publications/reports/index.html](http://www.separated-children-europe-programme.org/separated_children/publications/reports/index.html).
- Verstegen, T. & Murk, J. (2010), *Towards an European Network of Guardianship Institutions, ENGI-rapport*, Amsterdam.
- Van Borne, A & Kloosterboer, K (2005), *Inzicht in uitbuiting; Handel in minderjarigen nader onderzocht*, Amsterdam, available at: <http://www.ecpat.nl/images/13/526.pdf>.
- Werson, H. (2012), *De Fatale Fuik*, Amsterdam: Uitgeverij Carrera.

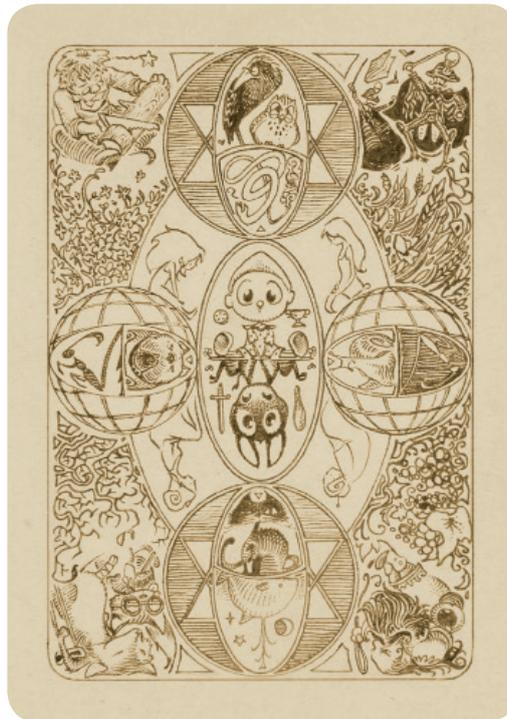
## Websites

- ECPAT:** [www.ecpat.nl](http://www.ecpat.nl).
- COA:** <http://www.coa.nl/NED/website/page.asp?menuid=101>.
- COA, AMV:** Helemaal in je uppie in een vreemd land, <http://www.coa.nl/NED/cms/data/attachments/411/download/Basisschool%20spreekbeurt%20over%20amv.pdf>.
- CoMensha:** [www.comensha.nl](http://www.comensha.nl).
- Ministry of Justice:** Wat te doen wanneer iemand vermist wordt, [http://nl.missingkids.com/nl\\_NL/Wat\\_te\\_doen.pdf](http://nl.missingkids.com/nl_NL/Wat_te_doen.pdf).
- Social plan Nidos:** <http://www.mijnvakbond.nl/Documenten%20MijnVakbond.nl/Welzijn/Algemeen/Nidos.pdf>.

## D. CYPRUS

- Akasereh, N., (2011). *Voice of Unaccompanied Minor Asylum Seekers on Guardianship. A study on Guardians of Unaccompanied Minor Asylum Seekers in Cyprus*. Nicosia: Hope For Children.
- Alikhan, S., Malika F. 'Guardianship Provision Systems for Unaccompanied and Separated Children Seeking Asylum in Europe: Initial Mapping', UNHCR-The UN Refugee Agency, available at: <http://www.defenceforchildren.nl/images/42/658.pdf>. Accessed on 7 November 2012.
- Bantekas, I. Varughese J., (2012). *Country Report for the Protection of Children in Cyprus. "Hope for Children" UNCRC Policy Centre*.
- Christodoulou, C., Diamantopoulou, A., Dourida, V., Michalakieli, A., Papantoniou-Frangouli, M., (2011). 'Trafficking for Labour in Cyprus Prepared' in the frame of the project: *Combating trafficking in human beings- going beyond coordinated by CCME. Athens*, available at: <http://ec.europa.eu/anti-trafficking/download.action;jsessionid=1c32TmQbgtvxSvhnv6r1GQcsdlsTT9P6v2QSykTY7Jh zjv5WgJVT!741669820?nodeId=cf63dc6a-3215-460d-9a4d-4dcd111958a7&fileName=2011-03-Cyprus+Report+GOING+BEYOND.pdf>. Accessed on 15 January 2012.
- Commissioner for the Protection of Children's Rights, (2011). 'Report of the Commissioner for Children's Rights in Cyprus to the UN Committee on the Rights of the Child—Supplementary Report to the 3rd and 4th Periodic Report of Cyprus', Commissioner for the Protection of Children's Rights, available at: [http://www.childcom.org.cy/ccr/ccr.nsf/0/1EC6DD6A03DF57C0C225791B003A0A30/\\$file/UNREPORT12Bonline.pdf](http://www.childcom.org.cy/ccr/ccr.nsf/0/1EC6DD6A03DF57C0C225791B003A0A30/$file/UNREPORT12Bonline.pdf). Accessed on 8 November 2012.
- Council of the European Union. 'Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers' (reception Directive), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF>. Accessed on 12 January 2012.
- Daphne II, (2007). 'EU Programme to Combat Violence against Children, Young People and Women', available at: <http://www.eaea.org/news.php?aid=3349>. Accessed on 15 January 2012.
- ECRI, (2001). *Second Report on Cyprus. European Commission against Racism and Intolerance*, Council of Europe, Strasbourg, 03.06.2001.
- ECRI, (2005). *Third ECRI Report on Cyprus*, adopted on 16.12.2005, Strasbourg 16.05.2006, Council of Europe.
- ECRI, (2011). *Forth ECRI Report on Cyprus*, adopted on 23.03.2011, Strasbourg 23.03.2011, Council of Europe.
- European Parliament. *Resolution on a European Charter of Rights of the Child*. 8 July 1992. Article 8.8.
- European Social Network, (2005). *Promoting Inclusion for Unaccompanied Young Asylum Seekers and Immigrants - A Duty of Justice and Care*. European Social Network.
- FRA - European Union Agency For Fundamental Rights, (2010). *Separated, asylum seeking children in European Union Member States- Summary Report*. April 2010, European Union Agency for Fundamental Rights.
- FRA - European Union Agency for Fundamental Rights, (2010). *Separated, asylum-seeking children in European Union Member States*. European Union Agency for Fundamental Rights.
- Group of Experts on Action against Trafficking in Human Beings (GRETA), (2011). 'Report concerning the implementation of the Council of Europe Convention on

- Action against Trafficking in Human Beings by Cyprus - First evaluation round*; GRETA, available at: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA\\_2011\\_8\\_FGR\\_CYP\\_en\\_final.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_8_FGR_CYP_en_final.pdf). Accessed on 7 November 2012.
- Halvorsen, K., (2002). *Separated children seeking asylum: the most vulnerable of all. Forced Migration Review*, 12, 34-36.
- House of Representatives, (2000). *Combating of Trafficking in Persons and Sexual Exploitation of Children Law of 2000-Law No.3(1) of 2000, Providing for the Special Protection of Persons Being Victims of Sexual Exploitation and for Related Matters*; House of Representatives Cyprus, available at: [http://www.childtrafficking.com/Docs/europol\\_05\\_leg\\_tra\\_human\\_0408.pdf](http://www.childtrafficking.com/Docs/europol_05_leg_tra_human_0408.pdf). Accessed on 12 November.
- House of Representatives Cyprus, (2007). *The Refugee Law of 2000 (last amended 2007)*; House of Representatives Cyprus, available at: <http://www.unhcr.org/refworld/docid/4a71aac2.html>. Accessed on 9 November 2012.
- International Organization for Migration (IOM), (2011). *Unaccompanied Children on the Move*; IOM, available at: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/events/docs/Unaccompanied\\_children.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/events/docs/Unaccompanied_children.pdf). Accessed on 8 November 2012.
- Koursoumba, L., (2010, December 15-16). *Unaccompanied children seeking asylum, the Cyprus legal framework for the protection of children*. Commissioner for the Protection of Children's Rights.
- Ministry of Education and Culture, (2007). *Annual Report*. Lefkosia: Ministry of Education and Culture, available at: [http://www.moec.gov.cy/etisia-ekthesi/pdf/annual\\_report\\_2007\\_en.pdf](http://www.moec.gov.cy/etisia-ekthesi/pdf/annual_report_2007_en.pdf). Accessed on 25 May 2012.
- Ministry of Education and Culture, (2008). *Inclusion in the Cyprus Educational System at the beginning of the twenty-first century: An Overview. National Report of Cyprus*. Lefkosia: Ministry of Education and Culture Republic of Cyprus, available at: [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/cyprus\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/cyprus_NR08.pdf). Accessed on 25 May 2012.
- The Commissioner for the Protection of Children's Rights Law, 2007 Spinthourakis J. A., (2008). *Country Report: Cyprus; Educational Policies that Address Social Inequality*, available at: [http://www.academia.edu/1207148/Country\\_Report\\_Cyprus](http://www.academia.edu/1207148/Country_Report_Cyprus). Accessed on 5 November 2012.
- Trimiklioti, N., Demetriou, C., (2008). *Thematic Study on Child Trafficking – Cyprus*. FRA – European Union Agency for Fundamental Rights, available at: [http://fra.europa.eu/sites/default/files/fra\\_uploads/502-Child-trafficking-09-country-cy.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/502-Child-trafficking-09-country-cy.pdf). Accessed on 11 November 2012.
- Trimiklioti, N., Demetriou, C. (2005). *Active Civic Participation of Immigrants in Cyprus*, Carl von Ossietzky Universität Oldenburg, available at: <http://www.politis-europe.uni-oldenburg.de/download/Cyprus.pdf>. Accessed on 2 November 2012.
- UNHCR, (1997). *Guidelines on Policies and procedures in dealing with unaccompanied children seeking asylum*. Geneva: UNHCR.
- UNHCR, (2010). *Guardianship Provision Systems for Unaccompanied and Separated Children Seeking Asylum in Europe*. Bureau of European and Eurasian Affairs.
- United States Department of State, (2011). 2011 *Trafficking in Persons Report – Cyprus*, United States Department of State, available at: <http://www.unhcr.org/refworld/docid/4e12ee852.html> on 06 November 2012. Accessed on 6 November 2012.



The Project Guardians Against Trafficking and Exploitation - GATE is carried out in four European countries: Greece, Italy, the Netherlands and Cyprus.

The partners of the project are:

- KMOP - Greece (lead partner)
- Defence for Children International - Italy (partner)
- Defence for Children International - ECPAT the Netherlands (partner)
- CARDET - Cyprus (partner)

The GATE - European Report was written by KMOP and Defence for Children International - Italy based on the main results of the research carried out in the four countries and on the related National Reports that are available and downloadable at the GATE project website:

[www.gate-eu.org](http://www.gate-eu.org)

The Research Coordination Unit of the initiative is formed by Pippo Costella, Annalisa Furia and Mariapaola Lanti (Defence for Children International - Italy) who are responsible for the overall scientific coordination of the project.

The final editing of the report was conducted by Maria Markaki (KMOP).